



महाराष्ट्र शासन राजपत्र

भाग एक-ल

वर्ष २, अंक ५१]

गुरुवार ते बुधवार, डिसेंबर २२-२८, २०१६/पौष १-७, शके १९३८

[पृष्ठे ८१, किंमत : रुपये २३.००

प्राधिकृत प्रकाशन

(केंद्रीय) औद्योगिक विवाद अधिनियम व मुंबई औद्योगिक संबंध अधिनियम यांखालील
(भाग एक, चार-अ, चार-ब आणि चार-क यांमध्ये प्रसिद्ध केलेल्या अधिसूचना, आदेश व निवाडे यांव्यतिरिक्त)
अधिसूचना, आदेश व निवाडे.

INDUSTRIAL COURT OF MAHARASHTRA AT MUMBAI

BEFORE SHRI A. R. MAHAJAN, MEMBER

Criminal Revision Application (ULP) No. 5/2011. IN Crim. Complaint (ULP) No. 57 of 2007.—
Mr. Chandrakant G. Divekar, Gr. Floor, Alhad Co-op. Hsg Society, Prof. Agashe Path, Dadar (W.),
Mumbai 400 028.—*Applicant.*—V/s.—(1).—Alhad Co-op. Housing Society, Prof. Agashe Path,
Dadar (W.), Mumbai 400 028.—(2) Smt. S. R. Phatak (Ex Secretary), Prof. Agashe Path, Dadar (W.),
Mumbai 400 028.—*Opponents.*

CORAM.— Shri. A. R. Mahajan, Member.

Appearances.— Shri. H. K. Vaidyanathan, Advocate for the Revision Applicant.

Shri. S. C. Prabhu, Advocate for the Revision Opponents.

Oral Judgement

(Delivered on 9th March 2012)

1. This Criminal Revision is off-shoot of a proceeding under Contempt of Courts under section 48(1) of the MRTU and PULP Act, 1971 for non compliance of the order which was passed by the learned Labour Judge on 8th May 2007 as a Presiding Officer of First Labour Court, Mumbai while disposing of Complaint (ULP) No. 563 of 2003, the following order came to be passed (the operative part of the order) :—

“(1) The Complainant is entitled to get full back wages and continuity of services *w.e.f.* 3rd September 2003 till today.

(2) The Complainant is entitled to get an amount of Rs. 1,00,000 (Rupees one lac only) towards compensation instead of reinstatement and legal dues.

(3) The respondents are at liberty to reinstate the complainant if they do not want to pay compensation.

(4) The operation of the order is stayed for six weeks.

For non compliance of this order as observed above, the proceedings were initiated under section 48(1) of the MRTU and PULP Act, 1971 on 9th July 2007. In the meanwhile, the complainant wrote letters to the employer calling upon them to comply with the order passed by learned Labour Judge while disposing of complaint as mentioned above demanding Rs. 1, 36,000 from them without giving break-up of the figure as to what amount was claimed towards what. Be that as it may. It appears that as the criminal case was filed in which process was issued against the employer and when respondent appeared in the matter, as it appears had filed number of application for adjournments and in compliance of the order finally Rs. 1, 82,000 were deposited by the respondents. As the matter proceeded further the day on which the complainant's advocate was absent and when the complainant was present, impugned order came to be passed. It has been specifically observed in the impugned order that the order on the basis of which the complaint is filed, there is no say filed by the complainant to Exh. C-38. Exh. C-40 is the application of similar type. It has been further observed in the impugned order that learned advocate for the accused submitted that accused No. 3 is dead, but he is unable to produce death certificate since it is submitted that the order dated 8th May 2007 is complied with, learned Labour Judge observed that 'complaint does not survive' and hence he dismissed the complaint and discharge accused for Contempt of court u/s. 48(1) of the MRTU and PULP Act, 1971. Heard learned Advocate Shri Vaidyanathan. He submitted that the order dated 11th January 2010 suffers from legal infirmity and it ought to have been taken into consideration by the Learned Labour Judge while dismissing the complaint, whether the order dated 8th May 2007 was substantially complied with. The amount of Rs. 1, 82,000 merely because it has been deposited by the original respondent, it is not meant that it is a compliance of the order passed by the learned Labour Judge while disposing of the complaint, as mentioned above. Once, the process was issued and in the presence of the complainant it was improper on the part of the learned Labour Judge to dismiss the complaint observing that the order which was sought to be complied with has been complied with. Besides, that he has argued that there is another infirmity from which the impugned order suffers is that original respondent No. 3 is reported to be dead and there is no death certificate of the said condemner on record and in spite of this fact, when the matter is at the stage of recording evidence, the complaint came to be dismissed as such the impugned order suffers from infirmity. Learned advocate Shri. Vaidyanathan submitted that matter may be remanded to the Lower Court, who shall deal with the proceedings under provisions of Law and as per the procedure established by law. Heard learned Advocate Shri Vaidyanathan for the revision applicant and learned Advocate Mrs. Prabhu for the revision opponents. She invited my attention to the impugned order which was passed in the complaint and which was sought to be executed with the compensation of Rs. 1,00,000 in lieu of reinstatement of the complainant and the respondent have deposited much more than that *i.e.* Rs. 1, 82,000 plus. *Prima facie* as it appears that this argument advanced by the learned Advocate Mrs. Prabhu is falacious. Amount of Rs. 1, 82, 000 *plus* is certainly more than Rs. 1,00,000 but towards the back wages from 2003 as directed by the Labour Court till the amount was deposited, whether it exceeds Rs. 1,00,000 or not the Lower Court would have decided while dismissing the complaint or it was rather excepted of him.

2. Now, I come to the demand notice which was sent by the complainant to the respondent regarding which I have already mentioned. As per demand notice the complainant has demanded 1, 36,000 without specifying that it includes compensation of Rs. 1,00,000 in lieu of reinstatement +36,000 for the back wages from the date of termination till the application was presented or till the letter was sent and likewise. With this ambiguity left and the learned Labour Judge has come to the conclusion that there is substantial compliance of the order, therefore, condemner needs to be exonerated. After hearing both the sides. the only point which arises for my consideration is,—

Points

- (1) Whether the order of the learned Labour Court requires interference ?
- (2) What Order ?

Findings

No.
Revision stands dismissed.

Reasons

3. *Point No.1.*— As one reads the provisions of section 48 of the MRTU and PULP Act, 1971, as far as section 48(1) is concerned, the section does not deal with what procedure is to be followed while dealing with such situation, where there is non compliance of the order under sub-section (2) of section 30 of the MRTU and PULP Act. As far as sub-section (2) and (3) are concerned it especially deals with the act of Contempt on the part of the condemner and it also prescribes the process *i.e.* procedure to be followed while dealing with this contempt proceedings. If it is contempt of Labour court, the labour Judge has to report to Industrial Court who in turn if it considers it expedient to do so; forward the report to the Hon'ble High Court and Hon'ble High Court shall deal with such contempt as if it were contempt of itself. If it is act of non compliance of Industrial Court's order as per the provisions of the sub-section 48, the Industrial Court has to report this fact to Hon'ble High Court and the Hon'ble High Court shall deal with such contempt as if it were contempt of itself. As far as section 48(1) is concerned, section itself does not provide procedure. Therefore, assuming that after issuance of process in presence of the complainant the contempt proceedings were disposed of by dismissing the criminal complaint, whether such act requires interference at the hands of this Court ? Section 48(1) is a deterrent major to see that the orders of the Labour Court are complied with and order of even Industrial Court for that matter. If the payment raised by the complainant was Rs. 1, 36,000 and the respondents depositing Rs. 1,82,000, It goes to show that it is substantial compliance of the order. There is no reason to disbelieve. There is no point in remanding the matter. These proceedings are meant for securing the compliance of the order and not to aggravate the situation. When the present case is to ameliorate the situation, I do not find any reason to interfere with the order of the learned Labour Court. If the complainant feels that there is less sum deposited than what is due to him, he is at liberty to adopt appropriate procedure but not necessarily in the form of section 48(1) of the MRTU and PULP Act, 1971. With this discussion, I answer this point accordingly and in the negative and proceed to pass the following order.

Order

(1) Revision application stands dismissed.

(2) The order of Learned Labour Court below Exh. U-1 dated the 11th January 2010 stands confirmed.

(3) No order as to costs.

(4) Record and proceedings be sent to Labour Court forthwith.

(5) Removed from the board.

Mumbai,
dated the 9th March 2012.

A. R. MAHAJAN,
Member,
Industrial Court, Maharashtra,
Mumbai.

I/c. Registrar,
Industrial Court, Maharashtra,
Mumbai,
dated the 26th March 2012.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. व्ही. डी. पिंपळकर, न्यायाधीश, ४ थे कामगार न्यायालय, ठाणे यांचा दिनांक १७ फेब्रुवारी २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ४४५.—श्री. व्ही. डी. पिंपळकर, न्यायाधीश, ४ थे कामगार न्यायालय, ठाणे यांना त्यांच्या दिनांक १७ फेब्रुवारी २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक १८ फेब्रुवारी २०१२ ते दिनांक २२ फेब्रुवारी २०१२ पर्यंत एकूण ५ दिवसांची अर्जित रजा मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात येत आहे.

श्री. व्ही. डी. पिंपळकर, हे रजेवर गेले नसते तर त्यांची न्यायाधीश, ४ थे कामगार न्यायालय, ठाणे या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. व्ही. डी. पिंपळकर, हे न्यायाधीश, ४ थे कामगार न्यायालय, ठाणे या पदावर स्थानापन्न होतील.

आदेशावरून,

अ. शा. जगदाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक २८ मार्च २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. एस. व्ही. लाठकर, सदस्य, औद्योगिक न्यायालय, मुंबई यांचा दिनांक २१ मार्च २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ४३८.—श्री. एस. व्ही. लाठकर, सदस्य, औद्योगिक न्यायालय, मुंबई यांना त्यांच्या दिनांक २१ मार्च २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक १७ फेब्रुवारी २०१२ ते ३० एप्रिल २०१२ पर्यंत एकूण ७४ दिवसांची परिवर्तीत रजा, रजेच्या पुढे दिनांक १ मे २०१२ च्या सुट्टीला जोडून मंजूर करण्यात आली आहे.

श्री. एस. व्ही. लाठकर हे रजेवर गेले नसते तर त्यांची सदस्य, औद्योगिक न्यायालय, मुंबई या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. एस. व्ही. लाठकर सदस्य, औद्योगिक न्यायालय, मुंबई या पदावर स्थानापन्न होतील.

आदेशावरून,

अ. शा. जगदाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक २७ मार्च २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. ए. एम. खान, न्यायाधीश, कामगार न्यायालय, यवतमाळ यांचा दिनांक ३ मार्च २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ४३७.—श्री. ए. एम. खान, न्यायाधीश, कामगार न्यायालय, यवतमाळ यांना त्यांच्या दिनांक ३ मार्च २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक १२ मार्च २०१२ ते दिनांक १७ मार्च २०१२ पर्यंत एकूण ६ दिवसांची अर्जित रजा, रजेच्या मागे दिनांक १० व ११ मार्च २०१२ आणि रजेच्या पुढे दिनांक १८ मार्च २०१२ हे सुट्ट्यांचे दिवस जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात येत आहे.

श्री. ए. एम. खान, हे रजेवर गेले नसते तर त्यांची न्यायाधीश, कामगार न्यायालय, यवतमाळ या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. ए. एम. खान, हे न्यायाधीश, कामगार न्यायालय, यवतमाळ या पदावर स्थानापन्न होतील.

आदेशावरून,

अ. शा. जगदाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक २७ मार्च २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. पी. आर. भरड, सदस्य, औद्योगिक न्यायालय, सातारा यांचा दिनांक १६ मार्च २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ४३९.—श्री. पी. आर. भरड, सदस्य, औद्योगिक न्यायालय, सातारा यांना त्यांच्या दिनांक १६ मार्च २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक १३ मार्च २०१२ ते १५ मार्च २०१२ पर्यंत एकूण ३ दिवसांची परिवर्तीत रजा मंजूर करण्यात आली आहे.

श्री. पी. आर. भरड, हे रजेवर गेले नसते तर त्यांची सदस्य, औद्योगिक न्यायालय, सातारा या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. पी. आर. भरड, सदस्य, औद्योगिक न्यायालय, सातारा या पदावर स्थानापन्न होतील.

आदेशावरून,

अ. शा. जगदाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक २७ मार्च २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. डी. टी. वसावे, न्यायाधीश, कामगार न्यायालय, भंडारा यांचा दिनांक १३ मार्च २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ४४०.—श्री. डी. टी. वसावे, न्यायाधीश, कामगार न्यायालय, भंडारा यांना त्यांच्या दिनांक १३ मार्च २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक १९ मार्च २०१२ ते दिनांक २२ मार्च २०१२ पर्यंत एकूण ४ दिवसांची अर्जित रजा, रजेच्या मागे दिनांक १८ मार्च २०१२ व रजेच्या पुढे दिनांक २३, २४ व २५ मार्च २०१२ हे सुट्ट्यांचे दिवस जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात येत आहे.

श्री. डी. टी. वसावे, हे रजेवर गेले नसते तर त्यांची न्यायाधीश, कामगार न्यायालय, भंडारा या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. डी. टी. वसावे, हे न्यायाधीश, कामगार न्यायालय, भंडारा या पदावर स्थानापन्न होतील.

आदेशावरून,

अ. शा. जगदाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक २७ मार्च २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. आर. एम. मुळे, सदस्य, औद्योगिक न्यायालय, नाशिक यांचा दिनांक २६ मार्च २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ४७०/१२.—श्री. आर. एम. मुळे, सदस्य, औद्योगिक न्यायालय, नाशिक यांना त्यांच्या दिनांक २६ मार्च २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक २८ मार्च २०१२ ते ३१ मार्च २०१२ पर्यंत एकूण ४ दिवसांची अर्जित रजा, रजेच्या पुढे दिनांक १ एप्रिल २०१२ हा सुट्टीचा दिवस जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात येत आहे.

श्री. आर. एम. मुळे, हे रजेवर गेले नसते तर त्यांची सदस्य, औद्योगिक न्यायालय, नाशिक या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. आर. एम. मुळे, सदस्य, औद्योगिक न्यायालय, नाशिक या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ३१ मार्च २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. डी. एच. देशमुख, प्रशासकीय सदस्य, औद्योगिक न्यायालय, ठाणे यांचा दिनांक २६ मार्च २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ४७७/१२.—श्री. डी. एच. देशमुख, प्रशासकीय सदस्य, औद्योगिक न्यायालय, ठाणे यांना त्यांच्या दिनांक २६ मार्च २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक २० मार्च २०१२ ते २२ मार्च २०१२ पर्यंत एकूण ३ दिवसांची अर्जित रजा, रजेच्या पुढे दिनांक २३, २४ व २५ मार्च २०१२ हे सुट्ट्यांचे दिवस सोडून मंजूर करण्यात आली आहे.

श्री. डी. एच. देशमुख, प्रशासकीय सदस्य, हे रजेवर गेले नसते तर त्यांची प्रशासकीय सदस्य, औद्योगिक न्यायालय, ठाणे या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. डी. एच. देशमुख, प्रशासकीय सदस्य, औद्योगिक न्यायालय, ठाणे या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ३१ मार्च २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्रीमती ए. एस. नेवसे, न्यायाधीश, २ रे कामगार न्यायालय, ठाणे यांचा दिनांक ५ मार्च २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ४७८/१२.—श्रीमती ए. एस. नेवसे, न्यायाधीश, २ रे कामगार न्यायालय, ठाणे यांना त्यांच्या दिनांक ५ मार्च २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक ५ मार्च २०१२ ते दिनांक ७ मार्च २०१२ पर्यंत एकूण ३ दिवसांची अर्जित रजा, रजेच्या मागे दिनांक ४ मार्च २०१२ व रजेच्या पुढे दिनांक ८ मार्च २०१२ हे सुट्ट्यांचे दिवस जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात येत आहे.

श्रीमती ए. एस. नेवसे, ह्या रजेवर गेल्या नसत्या तर त्यांची न्यायाधीश, २ रे कामगार न्यायालय, ठाणे या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्रीमती ए. एस. नेवसे, ह्या न्यायाधीश, २ रे कामगार न्यायालय, ठाणे या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ३१ मार्च २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्रीमती एस. पी. वैद्य, सदस्य, औद्योगिक न्यायालय, पुणे यांचा दिनांक २९ मार्च २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ४८६/१२.—श्रीमती एस. पी. वैद्य, सदस्य, औद्योगिक न्यायालय, पुणे यांना त्यांच्या दिनांक २९ मार्च २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक २९ मार्च २०१२ ते ३१ मार्च २०१२ पर्यंत एकूण ३ दिवसांची अर्जित रजा, रजेच्या पुढे दिनांक १ एप्रिल २०१२ हा सुट्टीचा दिवस जोडून मंजूर करण्यात आली आहे.

श्रीमती एस. पी. वैद्य ह्या रजेवर गेल्या नसत्या तर त्यांची सदस्य, औद्योगिक न्यायालय, पुणे या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्रीमती एस. पी. वैद्य ह्या सदस्य, औद्योगिक न्यायालय, पुणे या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ३१ मार्च २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. एस. पी. पिंगळे, न्यायाधीश, २ रे कामगार न्यायालय, मुंबई यांचा दिनांक ७ एप्रिल २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ५२६/१२.—श्री. एस. पी. पिंगळे, न्यायाधीश, २ रे कामगार न्यायालय, मुंबई यांना त्यांच्या दिनांक ७ एप्रिल २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक ९ एप्रिल २०१२ ते दिनांक १३ एप्रिल २०१२ एकूण ५ दिवसांची अर्जित रजा, रजेच्या मागे दिनांक ८ एप्रिल २०१२ च्या सुट्टीला जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात आली आहे.

श्री. एस. पी. पिंगळे हे रजेवर गेले नसते तर त्यांची न्यायाधीश, २ रे कामगार न्यायालय, मुंबई या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. एस. पी. पिंगळे हे न्यायाधीश, २ रे कामगार न्यायालय, मुंबई या पदावर स्थानापन्न होतील.

आदेशावरून,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक १६ एप्रिल २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. एस. आर. नावंदर, न्यायाधीश, १ ले कामगार न्यायालय, मुंबई यांचा दिनांक ३ एप्रिल २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ५३९.—श्री. एस. आर. नावंदर, न्यायाधीश, १ ले कामगार न्यायालय, मुंबई यांना त्यांच्या दिनांक ३ एप्रिल २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक ९ एप्रिल २०१२ ते दिनांक १३ एप्रिल २०१२ पर्यंत एकूण ५ दिवसांची अर्जित रजा, रजेच्या मागे दिनांक ८ एप्रिल २०१२ व रजेच्या पुढे दिनांक १४ व १५ एप्रिल २०१२ हे सुट्टीचे दिवस जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात येत आहे.

श्री. एस. आर. नावंदर हे रजेवर गेले नसते तर त्यांची न्यायाधीश, १ ले कामगार न्यायालय, मुंबई या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. एस. आर. नावंदर हे न्यायाधीश, १ ले कामगार न्यायालय, मुंबई या पदावर स्थानापन्न होतील.

आदेशावरून,

मुंबई,
दिनांक १७ एप्रिल २०१२.

प्रभारी प्रबंधक,
औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्रीमती एस. व्ही. सुवर्णा, सदस्य, औद्योगिक न्यायालय, ठाणे यांचा दिनांक २० मार्च २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ५३०/१२.—श्रीमती एस. व्ही. सुवर्णा, सदस्य, औद्योगिक न्यायालय, ठाणे यांना त्यांच्या दिनांक २० मार्च २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक १३ मार्च २०१२ ते १७ मार्च २०१२ पर्यंत एकूण ५ दिवसांची अर्जित रजा, रजेच्या पुढे दिनांक १८ मार्च २०१२ च्या सुट्टीला जोडून मंजूर करण्यात आली आहे.

श्रीमती एस. व्ही. सुवर्णा, सदस्य, ह्या रजेवर गेल्या नसल्या तर त्यांची सदस्य, औद्योगिक न्यायालय, ठाणे या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्रीमती एस. व्ही. सुवर्णा, सदस्य, औद्योगिक न्यायालय, ठाणे या पदावर स्थानापन्न होतील.

आदेशावरून,

मुंबई,
दिनांक १६ एप्रिल २०१२.

दि. बा. उन्हाळे,
प्रभारी प्रबंधक,
औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. ज. पं. जोशी, कनिष्ठ अन्वेषक अधिकारी, औद्योगिक न्यायालय, नागपूर यांचा दिनांक १५ मार्च २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ५२९/१२.—श्री. ज. पं. जोशी, कनिष्ठ अन्वेषक अधिकारी, औद्योगिक न्यायालय, नागपूर यांना त्यांच्या दिनांक १५ मार्च २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक १९ मार्च २०१२ ते २२ मार्च २०१२ या ४ दिवसांची अर्जित रजा, रजेच्या मागे दिनांक १८ मार्च २०१२ आणि रजेच्या पुढे दिनांक २३, २४ व २५ मार्च २०१२ हे सुट्ट्यांचे दिवस जोडून मंजूर करण्यात आली आहे.

श्री. ज. पं. जोशी हे रजेवर गेले नसते तर त्यांची कनिष्ठ अन्वेषक अधिकारी, औद्योगिक न्यायालय, नागपूर या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. ज. पं. जोशी, हे कनिष्ठ अन्वेषक अधिकारी, औद्योगिक न्यायालय, नागपूर या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक १६ एप्रिल २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. जी. ए. रामटेके, न्यायाधीश, कामगार न्यायालय, नाशिक यांचा दिनांक २६ मार्च २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ५२८/१२.—श्री. जी. ए. रामटेके, न्यायाधीश, कामगार न्यायालय, नाशिक यांना त्यांच्या दिनांक २६ मार्च २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक २ एप्रिल २०१२ ते दिनांक ४ एप्रिल २०१२ पर्यंत एकूण ३ दिवसांची अर्जित रजा, रजेच्या मागे दिनांक १ एप्रिल २०१२ आणि रजेच्या पुढे दिनांक ५ व ६ एप्रिल २०१२ हे सुट्ट्यांचे दिवस जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात येत आहे.

श्री. जी. ए. रामटेके हे रजेवर गेले नसते तर त्यांची न्यायाधीश, कामगार न्यायालय, नाशिक या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. जी. ए. रामटेके हे न्यायाधीश, कामगार न्यायालय, नाशिक या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

सहायक प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक १६ एप्रिल २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. डी. डी. कांबळे, न्यायाधीश, कामगार न्यायालय, पुणे यांचा दिनांक १६ मार्च २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ५२७/१२.—श्री. डी. डी. कांबळे, न्यायाधीश, कामगार न्यायालय, पुणे यांना त्यांच्या दिनांक १६ मार्च २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक १४ मार्च २०१२ ते दिनांक १५ मार्च २०१२ पर्यंत एकूण २ दिवसांची परिवर्तीत रजा मंजूर करण्यात आली आहे.

श्री. डी. डी. कांबळे हे रजेवर गेले नसते तर त्यांची न्यायाधीश, कामगार न्यायालय, पुणे या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. डी. डी. कांबळे, न्यायाधीश, कामगार न्यायालय, पुणे या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक १६ एप्रिल २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. व्ही. डब्ल्यू. सोनावणे, न्यायाधीश, ५ वे कामगार न्यायालय, मुंबई यांचा दिनांक १९ मार्च २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ५३२/१२.—श्री. व्ही. डब्ल्यू. सोनावणे, न्यायाधीश, ५ वे कामगार न्यायालय, मुंबई यांना त्यांच्या दिनांक १९ मार्च २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक २० मार्च २०१२ ते दिनांक २२ मार्च २०१२ पर्यंत एकूण ३ दिवसांची अर्जित रजा, रजेच्या पुढे दिनांक २३, २४ व २५ मार्च २०१२ हे सुट्टीचे दिवस जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात येत आहे.

श्री. व्ही. डब्ल्यू. सोनावणे हे रजेवर गेले नसते तर त्यांची न्यायाधीश, ५ वे कामगार न्यायालय, मुंबई या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. व्ही. डब्ल्यू. सोनावणे, न्यायाधीश, ५ वे कामगार न्यायालय, मुंबई या पदावर स्थानापन्न होतील.

आदेशावरून,

अ. शा. जगदाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक १६ एप्रिल २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. व्ही. डब्ल्यू. सोनावणे, न्यायाधीश, ५ वे कामगार न्यायालय, मुंबई यांचा दिनांक १७ मार्च २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ५३३/१२.—श्री. व्ही. डब्ल्यू. सोनावणे, न्यायाधीश, ५ वे कामगार न्यायालय, मुंबई यांना त्यांच्या दिनांक १७ मार्च २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक १५ मार्च २०१२ ते दिनांक १६ मार्च २०१२ पर्यंत एकूण २ दिवसांची परिवर्तीत रजा मंजूर करण्यात येत आहे.

श्री. व्ही. डब्ल्यू. सोनावणे हे रजेवर गेले नसते तर त्यांची न्यायाधीश, ५ वे कामगार न्यायालय, मुंबई या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. व्ही. डब्ल्यू. सोनावणे, न्यायाधीश, ५ वे कामगार न्यायालय, मुंबई या पदावर स्थानापन्न होतील.

आदेशावरून,

अ. शा. जगदाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक १६ एप्रिल २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. ए. एम. खान, न्यायाधीश, कामगार न्यायालय, यवतमाळ यांचा दिनांक २८ मार्च २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ५३१/१२.—श्री. ए. एम. खान, न्यायाधीश, कामगार न्यायालय, यवतमाळ यांना त्यांच्या दिनांक २८ मार्च २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक १८ मार्च २०१२ ते दिनांक २२ मार्च २०१२ पर्यंत एकूण ५ दिवसांची वाढीव अर्जित रजा, रजेच्या पुढे दिनांक २३, २४ व २५ मार्च २०१२ हे सुट्ट्यांचे दिवस जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात येत आहे.

श्री. ए. एम. खान, हे रजेवर गेले नसते तर त्यांची न्यायाधीश, कामगार न्यायालय, यवतमाळ या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. ए. एम. खान, हे न्यायाधीश, कामगार न्यायालय, यवतमाळ या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक १६ एप्रिल २०१२.

**BEFORE SHRI A. R. MAHAJAN, MEMBER, INDUSTRIAL COURT, MAHARASHTRA
AT MUMBAI**

REVISION (ULP) No. 113/2011.— IN COMPLAINT (ULP) No. 218 of 2013.— Mr. Sayeed Hasan Abbas, Plot No. 13, Room No. 7, D-Line, Lotus Colony, Govandi, Mumbai 400 043.—*Applicant (Ori. Complainant)*.—*Verses*.—(1) M/s. Habib Hospital, Habib Ismail Hospital and Medical Trust, 159, Jail Road, Dongri, Mumbai 400 009, (2) Mr. Sultan Ali G. Delhiwala Managing Trustee, Habib Ismail Hospital and Medical Trust, 159, Jail Road, Dongri, Mumbai 400 009.—*Respondents (Ori. Respondents)*.

CORAM.— Shri A. R. Mahajan, Member.

Appearances.— (1) Miss Vandita Trivedi, Advovate for the Revision Applicant.

(2) Shri M. M. Thorat, Advocate for the respondent.

Oral Judgement

(Delivered on 23rd February 2012)

1. This revision application is arising out of and directed against the Judgement and order dated 4th August 2010 of Presiding Officer and Judge of 5th Labour Court, Mumbai in Complaint (ULP) No. 218 of 2003 by which order the complaint was dismissed with costs. The facts leading to the present revision, in short, can be stated as under.

2. It is the case of the revision petitioner (Original complainant) that he had joined service of the respondent No. 1 as a 'ward boy' *w.e.f.* April 1982. The service conditions of the employees working in respondent No. 1 hospital were very poor and were not regularized by the people running and controlling respondent No. 1 and as such, in 1986 an internal union was formed by name Habib Hospital Workmen's Union, the object behind this was to protect the terms of employment of the employees working in the hospital and to stop exploitation of such workmen at the hands of the management of the respondent No. 1. Right from the union formation the complainant was the office bearer of the said union. He has worked as General Secretary of the union and has taken active part in the redressal of the grievances with the management of respondent No. 1 and regularized their service conditions. It is the case of the complainant that the union has its registered office in the premises of the respondent No. 1 and as such, the complainant and the office bearers of the union were functioning from the premises of the union which was situated inside the respondent No. 1 hospital. Since on the working day neither the complainant nor the office bearers of the union could devote much time to the union activities, therefore, they were required to perform their union activities on their day off from duties. Sunday was a day off or rather weekly off for the complainant and therefore, he used to visit the office premises of the union and try to know about the problems of the fellow workers and place them before respondent No. 1. Complaint had represented the employees of respondent No. 1 in various proceedings before Government authorities such as, Provident Fund Authority, Registrar of Trade Unions, Commisioner of Labour etc. The union later on got recognitions under the Maharashtra Recognition Trade Union and Public Unfair Labour Practice Act, 1971 with respondent No. 1 because of the hard work which the complainant had put in. He became popular amongst the colleagues. However, in the eyes of the respondents he became eye sore, and therefore, he was repeatedly harassed. He was issued with memos in order to put pressure on the complainant and to demoralize him since 1998. He was issued with a charge sheet stating false allegations with fabricated and bogus charges against him. He did not however succumbed to the pressure tactics of respondent No. 1. He approached 3rd Labour Court, Mumbai by filing Complaint (ULP) No. 158 of 1998 and prayed for declaration of unfair labour practice on the part of the respondent No. 1 within the meaning of Item 1 of Schedule IV of the Maharashtra Recognition Trade Union and Public Unfair Labour Practice Act, 1971. As this happened, on 1st March 2000, the management realized that they would be in embarrassing position, they promoted complainant to the post of supervisor with retrospective effect from 10th November 1999. Disciplinary proceedings were

initiated against the petitioner at the same time complainant was promoted as a 'supervisor'. The nature of duties however did not change. This promotion according to the complainant was with an intention to see that he is put out of the category of workman and therefore, would not have redressal forum either before Industrial Court before Labour Court for that Matter. The things did not stop here. On 6th June 2002, there was another charge sheet served upon complainant with the following allegations).

"It is also reported that you thereafter at about 1-20 p.m. called up Mr. Sultanbhai G. Delhiwala, Managing Trustee of the Hospital on telephone at his residence and in a rude, arrogant and threatening manner uttered the following words :—

" Sultanbhai Aap Mujhe Pahechante Nahi. Mere pass kya power hai aur mein kya houn aap ko do din mein dikhaunga. Bhosdike, Haramka Kha Khake Charbi Chad Gai hain. Madhardhod Log". Before leaving the premises you also threatened the security guards of dire consequences and bodily harm. " .

It also included allegations such as " Riotous, disorderly or indecent behaviour on the premises of the establishment, Commission of any act subversive of discipline or good behaviour on the premises of the establishment. In response, the complainant denied all the allegations and prayed for withdrawal of the charges and also to withdraw the suspension asking them to allow him to resume duties. The enquiry was concluded on 31st March 2003. It was observed by the enquiry officer that the petitioner had indulged in riotous, disorderly or indecent behaviour on the premises of the establishment and commission of any act subversive of discipline or good behaviour on the premises of the establishment and as such, complainant was dismissed from the services *w.e.f.* 25th March 2003. Aggrieved by the order of dismissal, complainant preferred Complaint (ULP) No. 218 of 2003 by invoking Item 1(a), (b), (f) and (g) of Schedule IV of the Maharashtra Recognition Trade Union and Public Unfair Labour practice Act, 1971 and prayed for number of reliefs including declaratory relief under unfair labour practices. After the written statement was filed, the respondents prayed for dismissal of the same. Issues were framed including the issue as regards to fairness of the enquiry and whether it was proper and according to the principles of natural justice and whether the findings of the enquiry officer were perverse and illegal ? These two issues were answered in favour of the management *i.e.* respondent No. 1. Matter thereafter proceeded and on the basis of material before him learned Labour Judge even dismissed the complaint holding that the punishment of dismissal was proportionate to the guilt of the accused. Even in the facts and circumstances of the case, essentially based on the following aspects of the matter, that the complainant has indulged in riotous act, he was guilty of using abusive and filthy language to the security guards and to the trustee of the hospital, secondly, he was also had an history of indulging in such behaviour in past particularly with not only he had indulged in the act of using abusive language he had committed assault on the security guard by pulling him scruff of his neck. It was further observed as it appears from the impugned judgement and order that the Labour Judge has relied upon reported decision where the Hon'able Bombay High Court and Hon'ble Apex Court has taken strict stand as far as such act on the part of the delinquent employee is concerned *i.e.* proportionality to the guilt of the delinquent employee. This being hospital, it was expected that more discipline is to be followed by the persons working over there since people visit the hospital and such disorderly behaviour may cause or further aggravate their illness. As such, learned 5th Labour Court has dismissed the complaint. Hence, this revision, I heard learned advocate Miss Trivedi for the petitioner-original complainant and learned advocate Shri Thorat for the respondent. Learned advocate Miss Trivedi barely stated the facts of the case and the case of the revision petitioner before me, submitting that he being office bearer of the concerned union he has access to the premises of the hospital. On the fateful day, as he came to the premises of the hospital he was prevented by the concerned security guard at the gate of the hospital. There was no notice earlier given that the practice of allowing such office bearers to sit

in the office and to look after the working of the union was stopped on weekly offs. She referred to letter in Urdu submitting that it was not placed before enquiry officer, but no translation was supplied. She refers to the report of watchman which was in Urdu if that report would have come on record probably the decision would have been different from what it was arrived at by the enquiry officer holding the petitioner guilty of the charges and thereby, awarding him the punishment of dismissal. It was incumbent upon enquiry officer to supply true translation of the letter in Urdu since the enquiry officer probably himself does not know Urdu and that is how it has resulted in the miscarriage of justice as far as present petitioner is concerned. It was misinterpreted by the enquiry officer and also by the Labour Judge that the petitioner had given threats to the security guard when he stated that आपकोभी नहीं छोड़ेंगे. According to learned advocate Miss Trivedi it implied that now the petitioner is being hounded and ill treated the guard also would meet the same fate at the hands of the management and that is how for wrong interpretation of these words according to learned advocate Miss Trivedi, the petitioner was found guilty. He submitted that there is no past record as far as petitioner is concerned so as to award him such a disproportionate punishment of dismissal. Learned advocate Miss Trivedi relied upon following decisions, 2003 II CLR 150 in case of Dayal Kushwaha V/s State of U.P. and Ors. In this case, there were no allegations against the petitioner of committing of assault on the superiors. The allegations were restricted only to the extent of the abuses by the petitioner in that matter. The Court came to the conclusion that there is difference between abusing and physically assaulting. Abusing does not cause physical hurt. It may hurt some body's feelings. The extreme sentence of dismissal is too harsh for the misconduct, the Hon'ble Allahabad High Court came to this conclusion. She relied upon another decision of Hon'ble Apex Court in 1982(45) FLR 432 in case of Ramakant Mishra and State of U.P. and Other. Wherein it was held that there was no misconduct during the 14 years of service of appellant. Misconduct consisting of indiscreet, improper, abusive language on one occasion unconnected with subsequent positive action, extreme penalty of dismissal directed to be set aside and reinstatement ordered but two increments were withheld. To counter these arguments learned advocate Shri Thorat for the respondents relied upon 2000(4) L.L.N. 1020 in case of Masina Hospital and Hari Ganpat Kadam and another. This deals with the powers of the Industrial Court in revision under section 4 of the Maharashtra Recognition Trade Union and Public Unfair Labour Practice Act, 1971, rather how these powers are circumscribed since Court cannot re-appreciate oral and documentary evidence. Another decision relied upon is 2007 I CLR 563 in case of Golden Chemicals Ltd. V/s. Mohammad Azam Dil and Anr. Here the delinquent employee was found sleeping on duty. He thereafter, abused security supervisor. The Labour Court came to the conclusion that the misconduct was proved but punishment was excessive and directed the reinstatement with 50% of back wages. The Hon'ble Bombay High Court therefore held that considering the conduct of the respondent with his superior and his past service record, award of Labour Court of reinstatement and 50% back wages cannot be sustained and that punishment imposed by the petitioner was proper. After considering the submissions of rival parties and the decisions relied upon by them, following points arise for my consideration and I record my findings against them for the reasons stated below :—

POINTS

FINDINGS

1. Whether the punishment awarded of the dismissal of the petitioner by the disciplinary authority and confirmed by the Labour Judge was shockingly disproportionate to the proved guilt of the petitioner ?
2. Whether the findings of learned Labour Judge required interference ?
3. What order ?

? In the negative.

In the negative.

Revision stands dismissed.

Reasons

3. *Issue Nos. 1 and 2.*—It is an admitted fact that the enquiry was held proper and free from any defect of impropriety or illegality. The revision application preferred by the complainant bearing No. 145 of 2006 also failed and resulted into its dismissal. Therefore, only limited issue is left before me to be decided, whether punishment awarded to the delinquent employee petitioner was disproportionate to the guilt of the petitioner and for that one has to look into the charge sheet dated 6th June 2002. The charge sheet runs thus :—

“ It has been reported that on 19th May 2002 at about 1-10 p.m. though you were not on duty, you forcibly tried to enter the hospital premises even when you were told not to enter the hospital premises as it was your day off, by Mr. Muzaffar Hussain Shah and Mr. Shaukat Hussain Shah, security guards on duty and instead you illegally demanded as to whether the said security guards had written instructions not to allow you to enter the hospital premises. You also threatened to take them to the police station. Though were informed by the said security guards that they were only following order of the management, *i.e.* not to allow any person, who is not on duty, to enter the hospital premises you without any provocation used abusive and filthy language against the said security guards as well as against the management by shouting loudly “ Bosadiwale seth logo ko jada charbi chad gayi hain ”. It is also reported that thereafter you caught hold of the collar of the security guard, Mr. Muzaffer Hussain Shah and in spite of telling you not to do so you tried to pull him towards the phone and further uttered loudly “ Chalo Bosdiwalon se Baat Kareng ”. When the security guards Mr. Shaukat Hussain Shah and Mr. Muzaffer Hussain Shah advised you that in case you desired to make any phone call you could do so from outside the Hospital premises, you once again shouted in a loud voice “ Bosadiwale har rooz nava Kanoon nikalte hain ”.

It is also reported that you thereafter at about 1.20 p.m. called up Mr. Sultanali G. Delhiwala, Managing Trustee of the Hospital on telephone at his residence and in a rude arrogant and threatening manner uttered the following words :—

“ Sultanbhai aap mujhe pehchanthe nahin, mere pass kya power hain our main kya houn app ko do din mein dikhaunga. “ Bhosdike, Haram ka kha kha khe charbi chad gayi hain, madharchood log ”. Before leaving the premises you also threatened the security guards of dire consequences and bodily harm. ”

After reading para 1 and 2 of the charge sheet it appears that complainant had forcibly tried to enter into the premises of the hospital at about 1-10 p.m. on 19th May 2002 and when he was prevented from entering into the premises by one Shri Muzaffer Hussain Shah and Shaukat Hussain Shah, the security guards on duty, the complainant demanded them if they had any instructions in writing from the hospital of the management, gave threats to them to take them to police station when it was told that they were following the orders of the management of not allowing the person who is not on duty, it is the allegation of the management that without any provocation the petitioner used the abusive and filthy language to these security guards. Caught hold of one of them by the scruff of his neck. Pulled them towards the telephone, again used abusive language. At 1-20 p.m. it is the allegation of the management that the petitioner again used abusive language to Shri Sultanbhai Delhiwala, Managing Trustee on telephone at his residence in a rude, arrogant and threatening manner, using filthy language and insulting language at him.

4. The charge sheet states that this amounts to misconduct within the provisions of Model Standing Orders applicable to the petitioner. Which Model Standing Order, the charge sheet is silent about it. But as one reads standing order No. 24, it runs thus, “ Commission of any act subversive of discipline or good behaviour on the premises of the establishment. ” and the punishment prescribed for these acts of misconduct and number of other misconducts which are stated in order 24 of the Model Standing Orders. The punishments are only few in number. A workman guilty of misconduct may be, warned or censured, or fined subject to and in accordance

with the provisions of the Payment of Wages Act, 1936, or suspended by an order in writing signed by the Manager for a period not exceeding four days, or dismissed without notice. As far as dismissal is concerned, sub-section (3) of section 25 states that no order of dismissal under sub-clause (d) of clause (1) shall be made except after holding an enquiry against the workman concerned in respect of the alleged misconduct in the manner set forth in clause (4). Then clause (4) lays down the procedure as to how the enquiry is to be conducted. As such, the charge sheet which is given to the present petitioner was as per sub-section (3) of section 25 and as per procedure laid down in sub-section (4) of 25 for the acts laid down in section 24 (k), (l) and (a) read together. The only issue which arises before me whether it is disproportionate to the act alleged and the guilt proved by this delinquent employee that is to say the present petitioner, when the enquiry is held, it was for the purpose of giving severe punishment or extreme punishment of dismissal. It is already been held that enquiry was fair and legal and did not suffer from any perversity. In the given circumstances there are various decisions of different superior Courts i.e. to say the Hon'ble High Courts and Hon'ble Apex Court, where the punishment was held to be shockingly disproportionate or extreme punishment and thereby it was set aside. In one such case, Hon'ble Apex Court has come to the conclusion that it amounts to extreme punishment, the decision is relied upon by learned advocate Miss Trivedi. The Hon'ble Allahabad High Court decision, I do not find would be of much help to the complainant. However, the Hon'ble Apex Court decision in 1982 (45) FLR 432 in case of Ramakant Mishra and State of U. P. And others, the Hon'ble Supreme Court has awarded two increments by setting aside the extreme penalty of dismissal. From the allegations made against the delinquent employee their Lordships have observed thus :—

“ What had happened here. The appellant was employed since 1957. The alleged misconduct consisting of use of indiscreet or abusive or threatening language occurred on November 18, 1971 meaning thereby that he had put in 14 years of service. Appellant was Secretary of the Workmen's Union. The respondent management has not shown that there was any blameworthy conduct of the appellant during the period of 14 years service he rendered prior to the date of misconduct and the misconduct consists of language indiscreet, improper or disclosing a threatening posture. When it is said that language discloses a threatening posture it is the subjective conclusion of the person who hears the language because voice modulation of each person in the society differs indiscreet, improper, abusive language may show lack of culture but merely the use of such language on one occasion unconnected with any subsequent positive action and not preceded by any blameworthy conduct cannot permit an extreme penalty of dismissal from service, therefore, we are satisfied that the order of dismissal was not justified in the facts and circumstances of the case and the Court must interfere. Unfortunately, the Labour Court has completely misdirected itself by looking at the dates contrary to record and has landed itself in a unsustainable order. Therefore, we are required to interfere.”

In the present case, the allegations are of more serious nature i.e. holding the collar of security guard and pulling him by the scruff of his neck. The petitioner did not stop there he further went ahead, phoned the managing trustee in abusive, threatening and filthy language at the premises of the hospital. The Model Standing Orders provide only four types of punishment as mentioned above and dismissal is extreme penalty and which has been upheld by the learned Labour Judge and I am called upon to interfere in the said findings of the Learned Labour Court under the powers conferred u/s. 44 of the MRTU and PULP Act, 1971, within a limited compass. I cannot re-appreciate the evidence on record and I can interfere only when the findings of the learned Labour Judge are found to be perverse or not sustainable in the given facts and circumstances of the case.

5. It cannot be said that the act of the petitioner was without any provocation. It is a fact, as it appears quite probable that he was prevented by the security guard at the gate of the hospital premises from entering into the same since he was not on duty, but there was no notice given prior to them that the office bearers of the union even were not permitted to enter the hospital premises from where they used to do their work for trade union they represented. In natural course, he could have easily entered into the premises, gone to his office chamber and worked for the union cause. Preventing him at the gate of the hospital must have clearly shackled him, annoyed

him, annoyance is justified. This certainly sparked off the entire situation and the things had happened at the spur of the moment. Question is whether he was justified in doing further act which can be termed as misconduct within the section 24 (k) (L) and (a) of the Model Standing Orders. As I have observed the decision of the Hon'ble Apex Court would apply only when there is abusive or threatening language used by the petitioner but under similar circumstances where there are acts of assaults, the Hon'ble Bombay High Court has taken a different view. In fact, as one reads the charges, it was sleeping while on duty of much lesser degree, still the Hon'ble Bombay High Court found it necessary to interfere with the order of the learned Labour Judge holding that the punishment awarded to him by the management of removal from service was just and proper and writ petition was however allowed. The decision of the Hon'ble Apex Court which has plenarily been relied upon is within the plenary powers of the Hon'ble Apex Court. I have to act within the frame work of the Act i.e. Industrial Employment (Standing Orders) Act in which only 4 types of punishments are prescribed. The petitioner could have got away with his misdeeds only when the security guards to whom he threatened and used abusive language would have decided not to complaint against him (petitioner) and that they would have decided to ignore the physical assault on one of them when one of them was pulled by the petitioner by the scruff of his neck. The petitioner would have got away with his abusive and threatening language at the trustees and they decided not to take action against him either pardoning him or ignoring him of his acts of misconducts. But when they decided to protest for using this abusive, threatening language for committing physical assault on the security guard, naturally the complainant petitioner should consider himself struck with misfortune and unfortunate and face the consequences. Unless he had somebody at the helm of affairs to protect him and get away with the affairs of the misconduct. Nothing of this sort has happened. As has been rightly observed by the learned Labour Judge while it refers to the decision of *M/s. Bharat Iron Versus B. B. Patel AIR 1976 SC 98* that proved misconduct is antithesis of victimization as understood in Industrial relations. In *India Marine Line Pvt. Ltd. Versus. Its workmen in 1962 (I) LLJ 122*, the Hon'ble Apex Court has found order of dismissal for the charge of insubordination which was duly proved and also mentioned that past service record of the workman was not good, the dismissal of the workman in the circumstances was held to be justified. Relying upon another decision in *L. K. Varma Versus. HMT Ltd. in 2006 (1) LLN 874*, the Hon'ble Apex Court has held thus :—

“ This Court has come a long way from its earlier view points. The recent trend in the decisions of this Court seek to strike a balance between the earlier approach of the Industrial relation wherein only the interest of the workmen was sought to be protected with the avowed object of fast industrial growth of the country. It has been noticed that how indiscipline at the workplaces/industrial undertaking received a set back. In view of the change in economic policy of the country, it may not now be proper to allow the employees to break the discipline with impunity, Our country is governed by rule of law. All actions, therefore, must be taken in accordance with law. ”

6. Upon reading all these decisions when the enquiry has proved the misconduct of the act of insubordination, subversive attitude of the petitioner to break the law and instructions of the superiors not only with an act of protest by making forcible entry into the premises of the hospital, he has gone further by abusing security guards who were obeying the orders of superiors, committing assault on them, then pulling them to the telephone booth and then speaking to the managing trustee on telephone ignoring the status of the managing trustee and ignoring his own status merely as a workman, he used threatening, abusive and filthy language as well, thereby, holding fair and proper enquiry, if the management has come to the conclusion that only punishment of dismissal would be proper and which has been upheld by the Labour Judge, there is little scope for me to interfere in the order of the learned Labour Judge essentially when the powers are circumscribed by virtue of section 44 of the MRTU and PULP Act, 1971. If I have to show leniency, it would be reinstatement may be with back wages or with no back wages. The act of censuring or awarding 4 days suspension which are the punishment of lesser degree which in no circumstances, I would be preferring to do for the proved misconduct of indiscipline, subversiveness, riotous behaviour and act of insubordination with similar previous acts where he was charged with assaulting fellow worker, as it has come in the decision of the Labour Court as

it appears. Relying upon the decision of *India Marine Line Pvt. Ltd., Versus. Its workmen in 1962 (I) LLJ 122* wherein it is observed that acts of subversiveness, disobedience, indisciplined behaviour found to be met with extreme penalty of dismissal and dismissal is just and proper and any attempt to mould the punishment would be a misplaced sympathy to the petitioner, and therefore, I have no choice but to confirm the order of the Labour Judge who in turn has confirmed the order of disciplinary authority. By invoking powers under section 44 of the MRTU and PULP Act, 1971, I would be loath in asking for lesser punishment by the management as such, I record my findings against Point Nos. 1 and 2 in the negative. Since I have answered both points in the 'negative', the revision fails and same will have to be dismissed. Hence, the following order.

Order

(1) Revision application stands dismissed.

(2) The Judgment and order dated 4th August 2010 passed by Presiding Officer and Judge of 5th Labour Court, Mumbai in Complaint (ULP) No. 218 of 2003 is hereby confirmed.

(3) In the facts and circumstances of the case, there shall be no order as to costs.

(4) Record and proceedings be sent to Labour Court forthwith.

Mumbai,
Dated 23rd February 2012.

A. R. MAHAJAN,
Member,
Industrial Court, Maharashtra, Mumbai.

(Sd./—)
I/c. Registrar,
Industrial Court, Maharashtra, Mumbai,
dated 31st March 2012.

**BEFORE SHRI A. R. MAHAJAN, MEMBER, INDUSTRIAL
COURT, MAHARASHTRA AT MUMBAI**

Revision Application (ULP) No. 180 of 2011 In Complaint (ULP) No. 138 of 2011.—(1) M/s. BSES MG. Hospital, (2) Shri. (Dr.) Ashok Mehta, Medical Director, (3) Ms. Mausami Desai, Manager (HRD), (4) Smt. B. K. Yogini, Hon. Director (Adm). (All at).—S. V. Road, Opposite Railway Station, Andheri (W), Mumbai 400 058.—*Applicants.*—V/s.—Shri. Milind D. Pitale,—Ambedkar Chawl, Dawri Nagar, Gate No.1, Vakola Bridge, Santacruz (E), Mumbai 400 055.—*Respondent.*

CORAM.— Shri. A. R. Mahajan, Member,

Appearances.— (1) Shri. Sunil Shroff, Advocate for the Revision Applicant.

(2) Shri. V. K. Gehlot, Advocate for the Respondent.

Oral Judgement

(Delivered on 13th March 2012)

1. This Revision application is directed against and arising out of the Judgement and order dated 23rd September 2011 passed by learned 12th Labour Court, Mumbai in Complaint (ULP) No. 138 of 2011, whereby, he has allowed the application for interim relief directing the respondents 'to allow the complainant to resume duties w.e.f. 1st October 2011 as earlier as he was resuming and pay him wages as earlier he was being paid'. Hence, this revision application. I heard learned advocate Shri. Shroff for the revision applicant i.e. original respondent employer and learned advocate Shri. Gehlot for the original complainant, respondent before me. Only point which arises before me is that,—

Points

- (1) Whether the finding of the learned Labour Court require interference ?
- (2) What Order ?

Findings

Partly in affirmative.

Revision stands disposed of as per final order.

Reasons

2. *Point No.1.*—While granting interim relief, the Court was enjoined upon to decide about the *prima facie* case, whether the balance of convenience lies in favour of the complainant and whether it would cause irreparable loss to him if the interim relief is denied. The facts leading to the present case, in short, can be stated as under :—

3. That the complainant appears to be in the services of the respondent hospital as a 'driver' driving ambulance provided by Larsen and Tubro Company. It appears from the impugned order that the service contract between the complainant and the respondent has come into being on the basis of service agreement of 2011. It also appears which is an undisputed fact that the complainant was in the employment much before when the contract of 2011 was entered into by the parties. It is precisely appears to be taken liberally to hold that there is employer employee relationship between the parties and that without holding any enquiry services of the complainant workman came to be terminated w.e.f. 1st May 2011. It not only observed at this point, it further went on observing that as soon as agreement was entered into the respondents were keen to see that the complainant is thrown out of the employment, the services of the complainant were terminated. This according to the learned Labour Judge is fishy and speaks about ulterior motive on the part of the respondents. To me, these observations of the learned Lower Court appear to be proper

and reasonable and the suspension which has been raised by him appears to be true about the intention of the respondent. Under the guise of termination of service agreement, the services of the complainant appears to have been terminated *prima facie*, in the ultimate analysis the respondents may be proved right in terminating the services. But, at this juncture when I am deciding about the interim relief, I find that the learned Lower Court has committed no error in making *prima facie* observations in favour of the complainant.

4. After rendering six years' service without any break, if no interim relief is granted it would cause irreparable loss to the complainant and balance of convenience lies in his favour. Further it will have to be observed that there are serious allegations of insubordination, misbehaviour which may attract disciplinary proceedings against him in the form of enquiry to be conducted. The services of the complainant cannot be terminated in the manner in which they have been terminated without holding an enquiry and unless it is proved that he is guilty of such misconduct or misbehaviour. It is therefore necessary to observe that the respondents shall obey the order of the learned Labour Judge. They are free to take legal action against the complainant of holding enquiry about his misconduct and misbehaviour and act in the fitness of the things and also if find it necessary may place him under suspension. These are mere observations which are not of contradictory nature. With this following order is passed.

Order

Revision application is disposed of with the following directions as under :—

(1) The direction to the respondent to allow the complainant to resume duty, shall stand confirmed. Applicants shall continue to pay wages as was paid to him prior to termination of his services. However, they are at liberty to hold disciplinary enquiry against the respondent-original complainant and even may place him under suspension, If at all it is necessary, in the facts and circumstances of the case.

(2) With this revision application stands disposed of.

(3) No order as to costs.

(4) Record and proceedings be sent to Labour Court forthwith.

Mumbai,
dated the 13th March 2012.

A. R. MAHAJAN,
Member,
Industrial Court, Maharashtra,
Mumbai.

(Sd/-)

I/c. Registrar,
Industrial Court, Maharashtra,
Mumbai,
dated 31st March 2012.

INDUSTRIAL COURT, MAHARASHTRA, MUMBAI

Administrative Building, 1st Floor, Government Colony, Bandra (E.), Mumbai 400 051

Read.— (1) High Court, Bombay Confidential Letter No. X-0202/2001, dated 7th January 2002.

(2) High Court, Bombay Confidential Letter No. X-(Gen.)0202/08/743, dated 24th December 2008.

(3) This Office Notification No. 61, dated 10th January 2012.

(4) Notification issued by the various District Courts observing the Holidays and vacations for the Year 2012.

NOTIFICATION

No. 583/12.—By virtue of the provisions contained in Regulation 13 and 14 of the Industrial Court Regulations, 1947 framed under the Bombay Industrial Relation Act, 1946, it is hereby notified that the Summer vacation of the Industrial Court, Mumbai is commencing from Monday 14th May 2012 to Sunday 10th June 2012 (Both days inclusive) and out of Mumbai as notified by the District Court respectively. During the Summer Vacation the offices of the Industrial Courts shall remain open from 10-30 a.m. to 6-00 p.m. on working days but no work unless of an urgent nature will be admitted after 3-00 p.m.

The following will be the vacation Judges during the Summer Vacation :—

Sr. No.	Name and Designation of the incumbent	Period during which the vacation will be availed off by the incumbent	Period during which the incumbent is prevented from enjoying summer vacation	Remark
(1)	(2)	(3)	(4)	(5)
Mumbai				
1	Shri A. R. Mahajan, Member, Industrial Court, Mumbai.	28th May 2012 to 3rd June 2012	14th May 2012 to 27th May 2012 and 4th June 2012 to 10th June 2012.	Vacation Judge of I.C. Mumbai will look after the urgent matters of I.C. Mumbai.
2	Shri S. K. Shalgaonkar, Member, Industrial Court, Mumbai.	28th May 2012 to 3rd June 2012	14th May 2012 to 27th May 2012 and 4th June 2012 to 10th June 2012.	
3	Shri V. R. Sikchi, Member, Industrial Court, Mumbai.	28th May 2012 to 3rd June 2012	14th May 2012 to 27th May 2012 and 4th June 2012 to 10th June 2012.	
4	Shri K. W. Thakare, Member, Industrial Court, Mumbai.	4th June 2012 to 10th June 2012.	14th May 2012 to 3rd June 2012.	
5	Shri D. H. Deshmukh, Member, Industrial Court, Thane.	14th May 2012 to 27th May 2012	7th May 2012 to 13th May 2012 and 28th May 2012 to 10th June 2012.	Vacation Judge of I.C. Thane will look after the urgent matters of I.C. Thane.
6	Smt. S. V. Suvarna, Member, Industrial Court, Thane.	28th May 2012 to 3rd June 2012	7th May 2012 to 27th May 2012 and 4th June 2012 to 10th June 2012.	

(1)	(2)	(3)	(4)	(5)
Nagpur				
1	Shri B. C. Chandrakapure, Member, Industrial Court, Nagpur.	28th May 2012 to 3rd June 2012	7th May 2012 to 27th May 2012	} Vacation Judge of I.C. Nagpur will look after the urgent matters of I.C. Nagpur.
2	Shri V. W. Hood, Member, Industrial Court, Nagpur.	14th May 2012 to 27th May 2012	7th May 2012 to 13th May 2012 and 28th May 2012 to 3rd June 2012.	
3	Shri K.R. Deosarkar, Member, Industrial Court, Amravati.	21st May 2012 to 27th May 2012	7th May 2012 to 20th May 2012 and 28th May 2012 to 10th June 2012.	Vacation Judge of I.C. Nagpur will look after the urgent matters of I.C. Amravati.
4	Shri B. N. Kazi, Member, Industrial Court, Akola.	21st May 2012 to 3rd June 2012.	7th May 2012 to 20th May 2012 4th June 2012 to 10th June 2012.	Vacation Judge of I.C. Nagpur will look after the urgent matters of I.C. Akola.
5	Shri V. P. Karekar, Member, Industrial Court, Bhandara.	28th May 2012 to 3rd June 2012.	7th May 2012 to 27th May 2012 and 4th June 2012 to 10th June 2012.	Vacation Judge of I.C. Nagpur will look after the urgent matters of I.C. Bhandara.
6	Smt. K.V. Sedani, Member, Industrial Court, Chandrapur.	21st May 2012 to 3rd June 2012.	7th May 2012 to 20th May 2012 and 4th June 2012 to 10th June 2012.	Vacation Judge of I.C. Nagpur will look after the urgent matters of I.C. Chandrapur.
Pune				
1	Smt. S. P. Vaidya, Member, Industrial Court, Pune.	17th May 2012 to 20th May 2012 and 1st June 2012 to 10th June 2012.	7th May 2012 to 16th May 2012 and 21st May 2012 to 31st May 2012	} Vacation Judge of I.C. Pune / Ahmednagar will look after the urgent matters of I.C. Pune.
2	Shri M. G. Choudhary, Member, Industrial Court, Pune.	28th May 2012 to 3rd June 2012.	7th May 2012 to 27th May 2012 and 4th June 2012 to 10th June 2012.	
3	Shri P. W. Bhuyar, Member, Industrial Court, Kolhapur.	7th May 2012 to 20th May 2012.	21st May 2012 to 10th June 2012.	} Vacation Judge of I.C. Kolhapur/ Satara will look after the urgent matters of I.C. Kolhapur.
4	Shri K. R. Pathkar, Member, Industrial Court, Kolhapur.	14th May 2012 to 27th May 2012.	7th May 2012 to 13th May 2012 and 28th May 2012 10th June 2012.	

(1)	(2)	(3)	(4)	(5)
5	Shri R. M. Muley, Member, Industrial Court, Nashik.	14th May 2012 to 20th May 2012.	7th May 2012 to 13th May 2012 and 21st May 2012 to 10th June 2012.	Vacation Judge of I.C. Thane will look after the urgent matters of I.C. Nashik.
6	Shri P. R. Bharad, Member, Industrial Court, Satara.	28th May 2012 to 3rd June 2012	7th May 2012 to 27th May 2012 and 4th June 2012 to 10th June 2012.	Vacation Judge of I.C. Kolhapur (Shri P. W. Bhuyar) will look after the urgent matters of I.C. Satara.
7	Shri S. J. Kale, Member, Industrial Court, Solapur.	28th May 2012 to 3rd June 2012.	7th May 2012 to 27th May 2012 and 4th June 2012 to 10th June 2012.	Vacation Judge of I.C. Latur will look after the urgent matters of I.C. Solapur.
8	Shri S. K. Deshpande, Member, Industrial Court, Sangli.	14th May 2012 to 20th May 2012 and 4th June 2012 to 10th June 2012.	7th May 2012 to 13th May 2012 and 21st May 2012 to 3rd June 2012.	Vacation Judge of I.C. Satara Kolhapur (Shri K. R. Pethkar) will look after the urgent matters of I.C. Sangli.
Aurangabad				
1	Shri P. S. Shinde, Member, Industrial Court, Ahmednagar.	21st May 2012 to 27th May 2012	7th May 2012 to 20th May 2012 and 28th May 2012 to 10th June 2012.	Vacation Judge of I.C. Aurangabad will look after the urgent matters of I.C. Ahmednagar.
2	Shri A. T. Amlekar, Member, Industrial Court, Aurangabad.	7th May 2012 to 20th May 2012	21st May 2012 to 10th June 2012.	Vacation Judge of I.C. Ahmednagar will look after the urgent matters of I.C. Aurangabad.
3	Shri S. V. Patil, Member, Industrial Court, Latur.	21st May 2012 to 27th May 2012	7th May 2012 to 20th May 2012 and 28th May 2012 to 10th June 2012.	Vacation Judge of I.C. Solapur will look after the urgent matters of I.C. Latur.

Mumbai,
dated the 27th April 2012.

VIDYASAGAR L. KAMBLE,
President,
Industrial Court, Maharashtra, Mumbai.

INDUSTRIAL COURT, MAHARASHTRA, MUMBAI

Administrative Building, 1st Floor, Government Colony, Bandra (E.), Mumbai 400 051.

Read.— (1) High Court, Bombay Confidential Letter No. X-0202/2001, dated 7th January 2002.

(2) High Court, Bombay Confidential Letter No. X-(Gen.)0202/08/743, dated 24th December 2008.

(3) This Office Notification No. 61, dated 10th January 2012.

(4) Notification issued by the various District Courts observing the Holidays and Vacations for the Year 2012.

NOTIFICATION

No. 588.—In view of the directions of the Hon'ble High Court, *vide* Confidential Letter dated 7th January 2002 the President, Industrial Court, Maharashtra, Mumbai (Head of the Department) is pleased to sanction concessional off during Summer Vacation for the Year 2012 to the Judges of the Labour Courts in the State of Maharashtra as under :—

Sr. No.	Name of the Labour Judge	Concession Period during the Summer vacation of 2012	Name of the Labour Judges who has to look after the urgent matters during the concessional period.
(1)	(2)	(3)	(4)
MUMBAI			
1	Shri S. R. Navandar, Judge, Labour Court, Mumbai	28th May 2012 to 3rd June 2012.	Shri G. G. Hulsure, Judge, Labour Court, Mumbai.
2	Shri S. P. Pingale, Judge, Labour Court, Mumbai.	14th May 2012 to 20th May 2012.	Shri S. R. Navandar, Judge, Labour Court, Mumbai.
3	Shri G. G. Hulsure, Judge, Labour Court, Mumbai.	14th May 2012 to 20th May 2012.	Shri S. R. Navandar, Judge, Labour Court, Mumbai.
4	Shri A. P. Bhavthankar, Judge, Labour Court, Mumbai.	14th May 2012 to 27th May 2012.	Shri F. I. Khan, Judge, Labour Court, Mumbai.
5	Shri V. W. Sonawane, Judge, Labour Court, Mumbai.	14th May 2012 to 27th May 2012.	Shri F. I. Khan, Judge, Labour Court, Mumbai.
6	Shri K. B. Wagh, Judge, Labour Court, Mumbai.	14th May 2012 to 20th May 2012.	Shri V. P. Avhad, Judge, Labour Court, Mumbai.
7	Shri V. P. Avhad, Judge, Labour Court, Mumbai.	28th May 2012 to 3rd June 2012.	Shri K. B. Wagh, Judge, Labour Court, Mumbai.
8	Shri A. R. Qureshi, Judge, Labour Court, Mumbai.	14th May 2012 to 27th May 2012.	Shri V. P. Avhad, Judge, Labour Court, Mumbai.
9	Shri V. M. Vaidya, Judge, Labour Court, Mumbai.	28th May 2012 to 10th June 2012.	Shri F. I. Khan, Judge, Labour Court, Mumbai.
10	Shri P. M. More, Judge, Labour Court, Thane.	4th June 2012 to 10th June 2012.	Smt. A. S. Newase, Judge, Labour Court, Thane.
11	Smt. A. S. Newase, Judge, Labour Court, Thane.	14th May 2012 to 27th May 2012.	Shri P. M. More, Judge, Labour Court, Thane.

(1)	(2)	(3)	(4)
MUMBAI			
12	Shri G. G. Bhalchandra, Judge, Labour Court, Thane.	21st May 2012 to 27th May 2012.	Shri P. M. More, Judge, Labour Court, Thane.
13	Shri V. D. Pimpalkar, Judge, Labour Court, Thane.	4th June 2012 to 10th June 2012.	Smt. A. S. Newase, Judge, Labour Court, Thane.
14	Shri M. M. Potdar, Judge, Labour Court, Mahad.	21st May 2012 to 3rd June 2012.	Shri V. D. Pimpalkar, Judge, Labour Court, Thane.
15	Shri P. P. Jadhav, Judge, Labour Court, Ratnagiri.	14th May 2012 to 27th May 2012.	From 14th May 2012 to 20th May 2012 Shri R. M. Khan, Judge, Labour Court, Kolhapur and from 21st May 2012 to 27th May 2012 Shri M. S. Kulkarni, Judge, Labour Court, Kolhapur.
PUNE			
1	Shri M. S. Bodhankar, Judge, Labour Court, Pune.	7th May 2012 to 20th May 2012.	Shri S. G. Deshmukh, Judge, Labour Court, Pune.
2	Shri S. G. Deshmukh, Judge, Labour Court, Pune.	28th May 2012 to 3rd June 2012.	Shri M. S. Bodhankar, Judge, Labour Court, Pune.
3	Shri D. D. Kamble, Judge, Labour Court, Pune.	14th May 2012 to 27th May 2012.	Shri S. G. Deshmukh, Judge, Labour Court, Pune.
4	Shri R. M. Khan, Judge, Labour Court, Kolhapur.	21st May 2012 to 3rd June 2012.	Shri M. S. Kulkarni, Judge, Labour Court, Kolhapur.
5	Shri M. S. Kulkarni, Judge, Labour Court, Kolhapur.	14th May 2012 to 20th May 2012.	Shri R. M. Khan, Judge, Labour Court, Kolhapur.
6	Shri A. S. Kazi, Judge, Labour Court, Sangli.	14th May 2012 to 27th May 2012.	From 14th May 2012 to 20th May 2012 Shri R. M. Khan, Judge, Labour Court, Kolhapur and from 21st May 2012 to 27th May 2012 Shri M. S. Kulkarni, Judge, Labour Court, Kolhapur.
7	Shri P. M. Kambayate, Judge, Labour Court, Satara.	21st May 2012 to 3rd June 2012.	Shri M. S. Bodhankar, Judge, Labour Court, Pune.
8	Shri B. R. Gupta, Judge, Labour Court, Solapur.	14th May 2012 to 27th May 2012.	Shri S. G. Deshmukh, Judge, Labour Court, Pune.
9	Shri G. A. Ramteke, Judge, Labour Court, Nashik.	14th May 2012 to 27th May 2012.	Shri P. M. More, Judge, Labour Court, Thane.
NAGPUR			
1	Shri A. S. Gattani, Judge, Labour Court, Nagpur.	7th May 2012 to 13th May 2012.	Shri B. Y. Kale, Judge, Labour Court, Nagpur.
2	Shri M. K. Ramteke, Judge, Labour Court, Nagpur.	7th May 2012 to 20th May 2012.	From 7th May 2012 to 13th May 2012 Shri B. Y. Kale, Judge, Labour Court, Nagpur and from 14th May 2012 to 20th May 2012 Shri A. S. Gattani, Judge, Labour Court, Nagpur.

(1)	(2)	(3)	(4)
NAGPUR			
3	Shri B. Y. Kale, Judge, Labour Court, Nagpur.	14th May 2012 to 27th May 2012.	Shri A. S. Gattani, Judge, Labour Court, Nagpur.
4	Shri J. G. Dorle, Judge, Labour Court, Akola.	28th May 2012 to 10th June 2012.	Shri N. N. Shrimangale, Judge, Labour Court, Buldhana.
5	Shri D. T. Vasave, Judge, Labour Court, Bhandara. (Upto 31st May 2012)	14th May 2012 to 27th May 2012.	Shri A. S. Gattani, Judge, Labour Court, Nagpur.
6	Shri S. P. Pingale, Judge, Labour Court, Bhandara. (From 1st June 2012)	4th June 2012 to 10th June 2012.	Shri R. D. Bodhane, Judge, Labour Court, Gondia.
7	Shri R. D. Bodhane, Judge, Labour Court, Gondia.	14th May 2012 to 27th May 2012.	Shri A. S. Gattani, Judge, Labour Court, Nagpur.
8	Shri P. J. Modak, Judge, Labour Court, Chandrapur.	28th May 2012 to 10th June 2012.	Shri S. M. Menjoge, Judge, Labour Court, Wardha.
9	Shri S. B. Pawar, Judge, Labour Court, Amravati.	14th May 2012 to 25th May 2012.	Shri J. G. Dorle, Judge, Labour Court, Akola.
10	Shri S. M. Menjoge, Judge, Labour Court, Wardha.	7th May 2012 to 20th May 2012.	From 7th May 2012 to 13th May 2012 Shri B. Y. Kale, Judge, Labour Court, Nagpur and from 14th May 2012 to 20th May 2012 Shri A. S. Gattani, Judge, Labour Court, Nagpur.
11	Shri N. N. Shrimangale, Judge, Labour Court, Buldhana.	14th May 2012 to 27th June 2012.	Shri J. G. Dorle, Judge, Labour Court, Akola.
AURANGABAD			
1	Shri V. J. Daithankar, Judge, Labour Court, Jalgaon.	21st May 2012 to 3rd June 2012.	Shri G. L. Masand, Judge, Labour Court, Dhule.
2	Shri G. L. Masand, Judge, Labour Court, Dhule.	7th May 2012 to 20th May 2012.	Shri V. J. Daithankar, Judge, Labour Court, Jalgaon.
3	Shri B. D. Kulkarni, Judge, Labour Court, Latur.	21st May 2012 to 3rd June 2012.	From 21st May 2012 to 27th May 2012 Shri V. V. Vidhwans, Judge, Labour Court, Ahmednagar and from 28th May 2012 to 3rd June 2012 Shri B. R. Gupta, Judge, Labour Court, Solapur.
4	Shri D. B. Patange, Judge, Labour Court, Aurangabad.	21st May 2012 to 3rd June 2012.	From 21st May 2012 to 27th May 2012 Shri V. V. Vidhwans, Judge, Labour Court, Ahmednagar and from 28th May 2012 to 3rd June 2012 Shri R. B. Chorghe, Judge,

(1)	(2)	(3)	(4)
			Labour Court, Ahmednagar.
		AURANGABAD	
5	Shri R. S. Ghatpande, Judge, Labour Court, Jalna.	21st May 2012 to 3rd June 2012.	From 21st May 2012 to 27th May 2012 Shri V. V. Vidwans, Judge, Labour Court, Ahmednagar and from 28th May 2012 to 3rd June 2012 Shri R. B. Chorghe, Judge, Labour Court, Ahmednagar.
6	Shri V. V. Vidwans, Judge, Labour Court, Ahmednagar.	7th May 2012 to 13th May 2012 and 28th May 2012 to 3rd June 2012.	Shri R. B. Chorghe, Judge, Labour Court, Ahmednagar.
7	Shri R. B. Chorghe, Judge, Labour Court, Ahmednagar.	14th May 2012 to 27th May 2012	Shri V. V. Vidwans, Judge, Labour Court, Ahmednagar.
8	Shri A. G. Mohabey, Judge, Labour Court, Nanded.	14th May 2012 to 27th May 2012.	From 14th May 2012 to 20th May 2012 Shri R. S. Ghatpande, Judge, Labour Court, Jalna and from 21st May 2012 to 27th May 2012 Shri V. V. Vidwans, Judge, Labour Court, Ahmednagar.

Mumbai,
dated 30th April 2012.

VIDYASAGAR L. KAMBLE,
President,
Industrial Court, Maharashtra, Mumbai.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. डी. बी. पतंगे, न्यायाधीश, कामगार न्यायालय, औरंगाबाद यांचा दिनांक ३ एप्रिल २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६११.—श्री. डी. बी. पतंगे, न्यायाधीश, कामगार न्यायालय, औरंगाबाद यांना त्यांच्या दिनांक ३ एप्रिल २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक १६ एप्रिल २०१२ ते दिनांक १८ एप्रिल २०१२ पर्यंत एकूण ३ दिवसांची अर्जित रजा, रजेच्या मागे दिनांक १४ व १५ एप्रिल २०१२ हे सुट्ट्यांचे दिवस जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात आली आहे.

श्री. डी. बी. पतंगे हे रजेवर गेले नसते तर त्यांची न्यायाधीश, कामगार न्यायालय, औरंगाबाद या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. डी. बी. पतंगे हे न्यायाधीश, कामगार न्यायालय, औरंगाबाद या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ५ मे २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. डी. टी. वसावे, न्यायाधीश, कामगार न्यायालय, भंडारा यांचा दिनांक ५ एप्रिल २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६१३.—श्री. डी. टी. वसावे, न्यायाधीश, कामगार न्यायालय, भंडारा यांना त्यांच्या दिनांक ५ एप्रिल २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक ९ एप्रिल २०१२ ते दिनांक २१ एप्रिल २०१२ एकूण १३ दिवसांची अर्जित रजा, रजेच्या मागे दिनांक ८ एप्रिल २०१२ व रजेच्या पुढे दिनांक २२ एप्रिल २०१२ हे सुट्ट्यांचे दिवस जोडून मंजूर करण्यात आली आहे.

श्री. डी. टी. वसावे, हे रजेवर गेले नसते तर त्यांची न्यायाधीश, कामगार न्यायालय, भंडारा या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. डी. टी. वसावे, हे न्यायाधीश, कामगार न्यायालय, भंडारा या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ५ मे २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. ए. एस. गट्टाणी, न्यायाधीश, कामगार न्यायालय, नागपूर यांचा दिनांक २१ एप्रिल २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६१५.—श्री. ए. एस. गट्टाणी, न्यायाधीश, कामगार न्यायालय, नागपूर यांना त्यांच्या दिनांक २१ एप्रिल २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक २३ एप्रिल २०१२ ते दिनांक २७ एप्रिल २०१२ पर्यंत एकूण ५ दिवसांची अर्जित रजा, रजेच्या मागे दिनांक २२ एप्रिल २०१२ व रजेच्या पुढे दिनांक २८ व २९ एप्रिल २०१२ हे सुट्टीचे दिवस जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात आली आहे.

श्री. ए. एस. गट्टाणी, हे रजेवर गेले नसते तर त्यांची न्यायाधीश, कामगार न्यायालय, नागपूर या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. ए. एस. गट्टाणी, हे न्यायाधीश, कामगार न्यायालय, नागपूर या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ५ मे २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. के. आर. पेठकर, सदस्य, औद्योगिक न्यायालय, कोल्हापूर यांचा दिनांक १२ एप्रिल २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६१६.—श्री. के. आर. पेठकर, सदस्य, औद्योगिक न्यायालय, कोल्हापूर यांना त्यांच्या दिनांक १२ एप्रिल २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक १६ एप्रिल २०१२ ते २१ एप्रिल २०१२ पर्यंत एकूण ६ दिवसांची अर्जित रजा, रजेच्या मागे दिनांक १४ व १५ एप्रिल २०१२ व रजेच्या पुढे दिनांक २२ एप्रिल २०१२ हे सुट्टीचे दिवस जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात आली आहे.

श्री. के. आर. पेठकर, हे रजेवर गेले नसते तर त्यांची सदस्य, औद्योगिक न्यायालय, कोल्हापूर या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. के. आर. पेठकर, सदस्य, औद्योगिक न्यायालय, कोल्हापूर या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ५ मे २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्रीमती एस. पी. वैद्य, सदस्य, औद्योगिक न्यायालय, पुणे यांचा दिनांक ५ एप्रिल २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६१७.—श्रीमती एस. पी. वैद्य, सदस्य, औद्योगिक न्यायालय, पुणे यांना त्यांच्या दिनांक ५ एप्रिल २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक १ एप्रिल २०१२ ते ५ एप्रिल २०१२ पर्यंत एकूण ५ दिवसांची वाढीव अर्जित रजा, रजेच्या पुढे दिनांक ६ एप्रिल २०१२ हा सुट्टीचा दिवस जोडून मंजूर करण्यात आली आहे.

श्रीमती एस. पी. वैद्य ह्या रजेवर गेल्या नसत्या तर त्यांची सदस्य, औद्योगिक न्यायालय, पुणे या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्रीमती एस. पी. वैद्य ह्या सदस्य, औद्योगिक न्यायालय, पुणे या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ५ मे २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. ज. प. जोशी, उप प्रबंधक, औद्योगिक न्यायालय, मुंबई यांचा दिनांक १६ एप्रिल २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६१८.—श्री. ज. प. जोशी, उप प्रबंधक, औद्योगिक न्यायालय, मुंबई यांना त्यांच्या दिनांक १६ एप्रिल २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक १२ एप्रिल २०१२ ते १३ एप्रिल २०१२ पर्यंत एकूण २ दिवसांची परिवर्तीत रजा, रजेच्या पुढे दिनांक १४ व १५ एप्रिल २०१२ हे सुट्ट्यांचा दिवस जोडून मंजूर करण्यात येत आहे.

श्री. ज. प. जोशी, हे रजेवर गेले नसते तर त्यांची उप प्रबंधक, औद्योगिक न्यायालय, मुंबई या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. ज. प. जोशी, हे उप प्रबंधक, औद्योगिक न्यायालय, मुंबई या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ५ मे २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. म. पा. वैद्य, कनिष्ठ अन्वेषक अधिकारी, औद्योगिक न्यायालय, नाशिक यांचा दिनांक २ एप्रिल २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६१९.—श्री. म. पा. वैद्य, कनिष्ठ अन्वेषक अधिकारी, औद्योगिक न्यायालय, नाशिक यांना त्यांच्या दिनांक २ एप्रिल २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक २६ मार्च २०१२ ते ३१ मार्च २०१२ या ६ दिवसांची परिवर्तीत रजा, रजेच्या मागे दिनांक २४ व २५ मार्च २०१२ व रजेच्या पुढे दिनांक १ एप्रिल २०१२ हे सुट्ट्यांचे दिवस जोडून मंजूर करण्यात आली आहे.

श्री. म. पा. वैद्य, हे रजेवर गेले नसते तर त्यांची कनिष्ठ अन्वेषक अधिकारी, औद्योगिक न्यायालय, नाशिक या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. म. पा. वैद्य, हे कनिष्ठ अन्वेषक अधिकारी, औद्योगिक न्यायालय, नाशिक या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ५ मे २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. सी. आर. पाटील, कनिष्ठ अन्वेषक अधिकारी, औद्योगिक न्यायालय, पुणे यांचा दिनांक २ एप्रिल २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६२०.—श्री. सी. आर. पाटील, कनिष्ठ अन्वेषक अधिकारी, औद्योगिक न्यायालय, पुणे यांना त्यांच्या दिनांक २ एप्रिल २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक २७ मार्च २०१२ ते ३१ मार्च २०१२ या ५ दिवसांची अर्जित रजा, रजेच्या पुढे दिनांक १ एप्रिल २०१२ हा सुट्टीचा दिवस जोडून मंजूर करण्यात आली आहे.

श्री. सी. आर. पाटील, हे रजेवर गेले नसते तर त्यांची कनिष्ठ अन्वेषक अधिकारी, औद्योगिक न्यायालय, पुणे या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. सी. आर. पाटील, हे कनिष्ठ अन्वेषक अधिकारी, औद्योगिक न्यायालय, पुणे या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ५ मे २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. एन. एन. श्रीमंगले, न्यायाधीश, कामगार न्यायालय, बुलढाणा यांचा दिनांक १० एप्रिल २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६२१.—श्री. एन. एन. श्रीमंगले, न्यायाधीश, कामगार न्यायालय, बुलढाणा यांना त्यांच्या दिनांक १० एप्रिल २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक १६ एप्रिल २०१२ ते दिनांक १८ एप्रिल २०१२ पर्यंत एकूण ३ दिवसांची अर्जित रजा, रजेच्या मागे दिनांक १४ व १५ एप्रिल २०१२ हे सुट्टीचे दिवस जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात आली आहे.

श्री. एन. एन. श्रीमंगले, हे रजेवर गेले नसते तर त्यांची न्यायाधीश, कामगार न्यायालय, बुलढाणा या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. एन. एन. श्रीमंगले, हे न्यायाधीश, कामगार न्यायालय, बुलढाणा या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ५ मे २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. ता. वि. लामकाने, उप-प्रबंधक, औद्योगिक न्यायालय, मुंबई यांचा दिनांक १९ एप्रिल २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६२२.—श्री. ता. वि. लामकाने, उप-प्रबंधक, औद्योगिक न्यायालय, मुंबई यांना त्यांच्या दिनांक १९ एप्रिल २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक १६ एप्रिल २०१२ ते १८ एप्रिल २०१२ पर्यंत एकूण ३ दिवसांची परिवर्तीत रजा, रजेच्या मागे दिनांक १४ व १५ एप्रिल २०१२ हे सुट्ट्यांचे दिवस जोडून मंजूर करण्यात येत आहे.

श्री. ता. वि. लामकाने हे रजेवर गेले नसते तर त्यांची उप-प्रबंधक, औद्योगिक न्यायालय, मुंबई या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. ता. वि. लामकाने हे उप-प्रबंधक, औद्योगिक न्यायालय, मुंबई या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ५ मे २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. आर. एम. मुळे, सदस्य, औद्योगिक न्यायालय, नाशिक यांचा दिनांक ११ एप्रिल २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६४१.—श्री. आर. एम. मुळे, सदस्य, औद्योगिक न्यायालय, नाशिक यांना त्यांच्या दिनांक ११ एप्रिल २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक १६ एप्रिल २०१२ ते १८ एप्रिल २०१२ पर्यंत एकूण ३ दिवसांची अर्जित रजा, रजेच्या मागे दिनांक १४ व १५ एप्रिल २०१२ हे सुट्टीचे दिवस जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात येत आहे.

श्री. आर. एम. मुळे, हे रजेवर गेले नसते तर त्यांची सदस्य, औद्योगिक न्यायालय, नाशिक या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. आर. एम. मुळे, हे सदस्य, औद्योगिक न्यायालय, नाशिक या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ७ मे २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. आर. एस. घाटपांडे, न्यायाधीश, कामगार न्यायालय, जालना यांचा दिनांक २८ मार्च २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६२३.—श्री. आर. एस. घाटपांडे, न्यायाधीश, कामगार न्यायालय, जालना यांना त्यांच्या दिनांक २८ मार्च २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक २ एप्रिल २०१२ ते दिनांक ७ एप्रिल २०१२ पर्यंत एकूण ६ दिवसांची अर्जित रजा, रजेच्या मागे दिनांक १ एप्रिल २०१२ व रजेच्या पुढे दिनांक ८ एप्रिल २०१२ हे सुट्टीचे दिवस जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात येत आहे.

श्री. आर. एस. घाटपांडे, हे रजेवर गेले नसते तर त्यांची न्यायाधीश, कामगार न्यायालय, जालना या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. आर. एस. घाटपांडे, हे न्यायाधीश, कामगार न्यायालय, जालना या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ५ मे २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. एस. व्ही. पाटील, सदस्य, औद्योगिक न्यायालय, लातूर यांचा दिनांक १९ एप्रिल २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६२४.—श्री. एस. व्ही. पाटील, सदस्य, औद्योगिक न्यायालय, लातूर यांना त्यांच्या दिनांक १९ एप्रिल २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक १६ एप्रिल २०१२ ते दिनांक १८ एप्रिल २०१२ पर्यंत एकूण ३ दिवसांची परिवर्तीत रजा मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात आली आहे.

श्री. एस. व्ही. पाटील, हे रजेवर गेले नसते तर त्यांची सदस्य, औद्योगिक न्यायालय, लातूर या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. एस. व्ही. पाटील, हे सदस्य, औद्योगिक न्यायालय, लातूर या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ५ मे २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. ए. जी. मोहब्बे, न्यायाधीश, कामगार न्यायालय, नांदेड यांचा दिनांक १० एप्रिल २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६२५.—श्री. ए. जी. मोहब्बे, न्यायाधीश, कामगार न्यायालय, नांदेड यांना त्यांच्या दिनांक १० एप्रिल २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक १६ एप्रिल २०१२ ते दिनांक १८ एप्रिल २०१२ पर्यंत एकूण ३ दिवसांची अर्जित रजा, रजेच्या मागे दिनांक १४ व १५ एप्रिल २०१२ हे सुट्टीचे दिवस जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात आली आहे.

श्री. ए. जी. मोहब्बे हे रजेवर गेले नसते तर त्यांची न्यायाधीश, कामगार न्यायालय, नांदेड या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. ए. जी. मोहब्बे हे न्यायाधीश, कामगार न्यायालय, नांदेड या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ५ मे २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. जी. एल. मसंद, न्यायाधीश, कामगार न्यायालय, धुळे यांचा दिनांक ५ मार्च २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६२६.—श्री. जी. एल. मसंद, न्यायाधीश, कामगार न्यायालय, धुळे यांना त्यांच्या दिनांक ५ मार्च २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक २१ फेब्रुवारी २०१२ ते दिनांक २४ फेब्रुवारी २०१२ पर्यंत एकूण ४ दिवसांची परिवर्तीत रजा, रजेच्या मागे दिनांक १९ व २० फेब्रुवारी २०१२ आणि रजेच्या पुढे दिनांक २५ व २६ फेब्रुवारी २०१२ हे सुट्टीचे दिवस जोडून मंजूर करण्यात आली आहे.

श्री. जी. एल. मसंद, हे रजेवर गेले नसते तर त्यांची न्यायाधीश, कामगार न्यायालय, धुळे या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. जी. एल. मसंद, हे न्यायाधीश, कामगार न्यायालय, धुळे या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ५ मे २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. जी. जी. भालचंद्र, न्यायाधीश, कामगार न्यायालय, ठाणे यांचा दिनांक १२ मार्च २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६२७.—श्री. जी. जी. भालचंद्र, न्यायाधीश, ३ रे कामगार न्यायालय, ठाणे यांना त्यांच्या दिनांक १२ मार्च २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक ७ मार्च २०१२ ते दिनांक १० मार्च २०१२ पर्यंत एकूण ४ दिवसांची परिवर्तीत रजा, रजेच्या पुढे दिनांक ११ मार्च २०१२ हे सुट्टीचे दिवस जोडून मंजूर करण्यात येत आहे.

श्री. जी. जी. भालचंद्र, हे रजेवर गेले नसते तर त्यांची न्यायाधीश, कामगार न्यायालय, ठाणे या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. जी. जी. भालचंद्र हे न्यायाधीश, ३ रे कामगार न्यायालय, ठाणे या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ५ मे २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. व्हि. एन. वैद्य, न्यायाधीश, १० वे कामगार न्यायालय, मुंबई यांचा दिनांक १२ मार्च २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६२८.—श्री. व्हि. एन. वैद्य, न्यायाधीश, १० वे कामगार न्यायालय, मुंबई यांना त्यांच्या दिनांक १२ मार्च २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक ६ मार्च २०१२ ते दिनांक ९ मार्च २०१२ पर्यंत एकूण ४ दिवसांची परिवर्तीत रजा, रजेच्या पुढे दिनांक १० व ११ मार्च २०१२ हे सुट्टीचे दिवस जोडून मंजूर करण्यात येत आहे.

श्री. व्हि. एन. वैद्य हे रजेवर गेले नसते तर त्यांची न्यायाधीश, कामगार न्यायालय, मुंबई या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. व्हि. एन. वैद्य, न्यायाधीश, १० वे कामगार न्यायालय, मुंबई या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ५ मार्च २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्रीमती ए. एस. नेवसे, न्यायाधीश, २ रे कामगार न्यायालय, ठाणे यांचा दिनांक १३ एप्रिल २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६२९.—श्रीमती ए. एस. नेवसे, न्यायाधीश, २ रे कामगार न्यायालय, ठाणे यांना त्यांच्या दिनांक १३ एप्रिल २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक १६ एप्रिल २०१२ ते २० एप्रिल २०१२ पर्यंत एकूण ५ दिवसांची अर्जित रजा, रजेच्या मागे दिनांक १४ व १५ एप्रिल २०१२ हे सुट्टीचे दिवस जोडून मंजूर करण्यात येत आहे.

श्रीमती ए. एस. नेवसे ह्या रजेवर गेल्या नसत्या तर त्यांची न्यायाधीश, २ रे कामगार न्यायालय, ठाणे या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्रीमती ए. एस. नेवसे ह्या न्यायाधीश, २ रे कामगार न्यायालय, ठाणे या पदावर स्थानापन्न होतील.

आदेशावरून,

अ. शा. जगदाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ५ मे २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. एस. पी. पिंगळे, न्यायाधीश, २ रे कामगार न्यायालय, मुंबई यांचा दिनांक २१ एप्रिल २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६३०.—श्री. एस. पी. पिंगळे, न्यायाधीश, २ रे कामगार न्यायालय, मुंबई यांना त्यांच्या दिनांक २१ एप्रिल २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक २४ एप्रिल २०१२ ते २७ एप्रिल २०१२ पर्यंत एकूण ४ दिवसांची अर्जित रजा, रजेच्या पुढे दिनांक २८ व २९ एप्रिल २०१२ च्या सुट्टीला जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात आली आहे.

श्री. एस. पी. पिंगळे हे रजेवर गेले नसते तर त्यांची न्यायाधीश, कामगार न्यायालय, मुंबई या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. एस. पी. पिंगळे हे न्यायाधीश, कामगार न्यायालय, मुंबई या पदावर स्थानापन्न होतील.

आदेशावरून,

अ. शा. जगदाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ५ मे २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. डी. एच. देशमुख, प्रशासकीय सदस्य, औद्योगिक न्यायालय, ठाणे यांचा दिनांक १६ एप्रिल २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६३१.—श्री. डी. एच. देशमुख, प्रशासकीय सदस्य, औद्योगिक न्यायालय, ठाणे यांना त्यांच्या दिनांक १६ एप्रिल २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक २९ मार्च २०१२ ते १३ एप्रिल २०१२ पर्यंत एकूण १६ दिवसांची अर्जित रजा, रजेच्या पुढे दिनांक १४ व १५ एप्रिल २०१२ हे सुट्ट्यांचे दिवस सोडून मंजूर करण्यात आली आहे.

श्री. डी. एच. देशमुख, प्रशासकीय सदस्य हे रजेवर गेले नसते तर त्यांची प्रशासकीय सदस्य, औद्योगिक न्यायालय, ठाणे या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. डी. एच. देशमुख, प्रशासकीय सदस्य, औद्योगिक न्यायालय, ठाणे या पदावर स्थानापन्न होतील.

आदेशावरून,

अ. शा. जगदाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ५ मे २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. एस. पी. पिंगळे, न्यायाधीश, २ रे कामगार न्यायालय, मुंबई यांचा दिनांक २१ एप्रिल २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६३२.—श्री. एस. पी. पिंगळे, न्यायाधीश, २ रे कामगार न्यायालय, मुंबई यांना त्यांच्या दिनांक २१ एप्रिल २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक १८ एप्रिल २०१२ ते २० एप्रिल २०१२ पर्यंत एकूण ३ दिवसांची अर्जित रजा मंजूर करण्यात आली आहे.

श्री. एस. पी. पिंगळे हे रजेवर गेले नसते तर त्यांची न्यायाधीश, कामगार न्यायालय, मुंबई या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. एस. पी. पिंगळे हे न्यायाधीश, कामगार न्यायालय, मुंबई या पदावर स्थानापन्न होतील.

आदेशावरून,

अ. शा. जगदाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ५ मे २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. बी. डी. कुलकर्णी, न्यायाधीश, कामगार न्यायालय, लातूर यांचा दिनांक १९ एप्रिल २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६३३.—श्री. बी. डी. कुलकर्णी, न्यायाधीश, कामगार न्यायालय, लातूर यांना त्यांच्या दिनांक १९ एप्रिल २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक २५ एप्रिल २०१२ ते दिनांक २७ एप्रिल २०१२ पर्यंत एकूण ३ दिवसांची अर्जित रजा, रजेच्या पुढे दिनांक २८ व २९ एप्रिल २०१२ हे सुट्ट्यांचे दिवस जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात आली आहे.

श्री. बी. डी. कुलकर्णी हे रजेवर गेले नसते तर त्यांची न्यायाधीश, कामगार न्यायालय, लातूर या पदावरील स्थानापन्न नियुक्ती पुढे राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. बी. डी. कुलकर्णी, न्यायाधीश, कामगार न्यायालय, लातूर या पदावर स्थानापन्न होतील.

आदेशावरून,

अ. शा. जगदाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ५ मे २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. पी. डब्ल्यू. भूयार, सदस्य, औद्योगिक न्यायालय, कोल्हापूर यांचा दिनांक २३ एप्रिल २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६३४.—श्री. पी. डब्ल्यू. भूयार, सदस्य, औद्योगिक न्यायालय, कोल्हापूर यांना त्यांच्या दिनांक २३ एप्रिल २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक २५ एप्रिल २०१२ ते दिनांक २७ एप्रिल २०१२ पर्यंत एकूण ३ दिवसांची अर्जित रजा, मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात आली आहे.

श्री. पी. डब्ल्यू. भूयार हे रजेवर गेले नसते तर त्यांची सदस्य, औद्योगिक न्यायालय, कोल्हापूर या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. पी. डब्ल्यू. भूयार, सदस्य, औद्योगिक न्यायालय, कोल्हापूर या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ५ मे २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. सी. आर. पाटील, कनिष्ठ अन्वेषक अधिकारी, औद्योगिक न्यायालय, पुणे यांचा दिनांक ९ एप्रिल २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६३६.—श्री. सी. आर. पाटील, कनिष्ठ अन्वेषक अधिकारी, औद्योगिक न्यायालय, पुणे यांना त्यांच्या दिनांक ९ एप्रिल २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक १० एप्रिल २०१२ ते २१ एप्रिल २०१२ या १२ दिवसांची अर्जित रजा, रजेच्या पुढे दिनांक २२ एप्रिल २०१२ हा सुट्टीचा दिवस जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात आली आहे.

श्री. सी. आर. पाटील हे रजेवर गेले नसते तर त्यांची कनिष्ठ अन्वेषक अधिकारी, औद्योगिक न्यायालय, पुणे या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. सी. आर. पाटील, हे कनिष्ठ अन्वेषक अधिकारी, औद्योगिक न्यायालय, पुणे या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ५ मे २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. आर. एम. मुळे, सदस्य, औद्योगिक न्यायालय, नाशिक यांचा दिनांक २४ एप्रिल २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६३७.—श्री. आर. एम. मुळे, सदस्य, औद्योगिक न्यायालय, नाशिक यांना त्यांच्या दिनांक २४ एप्रिल २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक २५ एप्रिल २०१२ ते २७ एप्रिल २०१२ पर्यंत एकूण ३ दिवसांची अर्जित रजा, रजेच्या पुढे दिनांक २८ व २९ एप्रिल २०१२ हे सुट्टीचे दिवस जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात येत आहे.

श्री. आर. एम. मुळे, हे रजेवर गेले नसते तर त्यांची सदस्य, औद्योगिक न्यायालय, नाशिक या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. आर. एम. मुळे, हे सदस्य, औद्योगिक न्यायालय, नाशिक या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ५ मे २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. आर. एम. मुळे, सदस्य, औद्योगिक न्यायालय, नाशिक यांचा दिनांक १४ मार्च २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६४२.—श्री. आर. एम. मुळे, सदस्य, औद्योगिक न्यायालय, नाशिक यांना त्यांच्या दिनांक १४ मार्च २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक १९ मार्च २०१२ ते २२ मार्च २०१२ पर्यंत एकूण ४ दिवसांची अर्जित रजा, रजेच्या मागे दिनांक १८ मार्च २०१२ व रजेच्या पुढे दिनांक २३, २४ व २५ मार्च २०१२ हे सुट्टीचे दिवस जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात येत आहे.

श्री. आर. एम. मुळे, हे रजेवर गेले नसते तर त्यांची सदस्य, औद्योगिक न्यायालय, नाशिक या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. आर. एम. मुळे, हे सदस्य, औद्योगिक न्यायालय, नाशिक या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ७ मे २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. पी. एस. शिंदे, सदस्य, औद्योगिक न्यायालय, अहमदनगर यांचा दिनांक २४ एप्रिल २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६४३.—श्री. पी. एस. शिंदे, सदस्य, औद्योगिक न्यायालय, अहमदनगर यांना त्यांच्या दिनांक २४ एप्रिल २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक २५ एप्रिल २०१२ ते २७ एप्रिल २०१२ पर्यंत एकूण ३ दिवसांची अर्जित रजा, रजेच्या पुढे दिनांक २८ व २९ एप्रिल २०१२ हे सुट्ट्यांचे दिवस जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात आली आहे.

श्री. पी. एस. शिंदे, हे रजेवर गेले नसते तर त्यांची सदस्य, औद्योगिक न्यायालय, अहमदनगर या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. पी. एस. शिंदे, हे सदस्य, औद्योगिक न्यायालय, अहमदनगर या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ७ मे २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. ए. जी. मोहब्बे, न्यायाधीश, कामगार न्यायालय, नांदेड यांचा दिनांक १२ मार्च २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६४४.—श्री. ए. जी. मोहब्बे, न्यायाधीश, कामगार न्यायालय, नांदेड यांना त्यांच्या दिनांक १२ मार्च २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक १९ मार्च २०१२ ते दिनांक २२ मार्च २०१२ पर्यंत एकूण ४ दिवसांची अर्जित रजा, रजेच्या मागे दिनांक १८ मार्च २०१२ आणि रजेच्या पुढे दिनांक २३, २४ व २५ मार्च २०१२ हे सुट्टीचे दिवस जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात आली आहे.

श्री. ए. जी. मोहब्बे हे रजेवर गेले नसते तर त्यांची न्यायाधीश, कामगार न्यायालय, नांदेड या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. ए. जी. मोहब्बे हे न्यायाधीश, कामगार न्यायालय, नांदेड या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ७ मे २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. एम. जी. चौधरी, सदस्य, औद्योगिक न्यायालय, पुणे यांचा दिनांक ४ एप्रिल २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६४५.—श्री. एम. जी. चौधरी, सदस्य, औद्योगिक न्यायालय, पुणे यांना त्यांच्या दिनांक ४ एप्रिल २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक १६ एप्रिल २०१२ ते २१ एप्रिल २०१२ पर्यंत एकूण ६ दिवसांची अर्जित रजा, रजेच्या मागे दिनांक १४ व १५ एप्रिल २०१२ आणि रजेच्या पुढे दिनांक २२ एप्रिल २०१२ हे सुट्टीचे दिवस जोडून मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात आली आहे.

श्री. एम. जी. चौधरी, हे रजेवर गेले नसते तर त्यांची सदस्य, औद्योगिक न्यायालय, पुणे या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. एम. जी. चौधरी, हे सदस्य, औद्योगिक न्यायालय, पुणे या पदावर स्थानापन्न होतील.

आदेशावरून,

दि. बा. उन्हाळे,

प्रभारी प्रबंधक,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ७ मे २०१२.

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई

वाचा.—श्री. दि. बा. उन्हाळे, अपर प्रबंधक, औद्योगिक न्यायालय, मुंबई यांचा दिनांक १८ एप्रिल २०१२ रोजीचा अर्ज.

रजा मंजूरी आदेश

क्रमांक ६५६.—श्री. दि. बा. उन्हाळे, अपर प्रबंधक, औद्योगिक न्यायालय, मुंबई यांना त्यांच्या दिनांक १८ एप्रिल २०१२ रोजीच्या अर्जासंदर्भात कळविण्यात येते की, त्यांची दिनांक २१ एप्रिल २०१२ ते २४ एप्रिल २०१२ पर्यंत ४ दिवसांची अर्जित रजा मुख्यालय सोडण्याच्या परवानगीसह मंजूर करण्यात आली आहे.

श्री. दि. बा. उन्हाळे, हे रजेवर गेले नसते तर त्यांची अपर प्रबंधक, औद्योगिक न्यायालय, मुंबई या पदावरील स्थानापन्न नियुक्ती पुढे चालू राहिली असती.

रजेचा उपरोक्त कालावधी संपल्यावर श्री. दि. बा. उन्हाळे, अपर प्रबंधक, औद्योगिक न्यायालय, मुंबई या पदावर स्थानापन्न होतील.

विद्यासागर ल. कांबळे,

अध्यक्ष,

औद्योगिक न्यायालय, महाराष्ट्र, मुंबई.

मुंबई,

दिनांक ९ मे २०१२.

IN THE INDUSTRIAL COURT, MAHARASHTRA AT MUMBAI

BEFORE SHRI A. R. MAHAJAN, MEMBER,

Revision Application (ULP) No. 10 of 2011.—IN.—Complaint (ULP) No.206 of 2009.—(1) M/s. Metochem International Pvt. Ltd., 409, New Udyog Mandir-2, 4th Floor, “A” Wing, Moghul Lane, Mahim (W), Mumbai 400 016.—(2) Mr. S. L. Shetty, M/s. Metochem International Pvt. Ltd., 409, New Udyog Mandir-2, 4th Floor, “A” Wing, Moghul Lane, Mahim (W), Mumbai 400 016.—*Rev. Applicants.*—(*Ori. Respondents*).—*V/s.*—(1) Mr. Jagdish Paradkar, 198, Acharya Atre Nagar, SMD Road, Anto Hill, Mumbai 400 037.—(2) Shri S. G. Wankhede, Presiding Officer, 12th Labour Court, Bandra (E), Mumbai.—*Respondent.*—(*Ori. Complainant*).

CORAM.— Shri A. R. Mahajan, Member.

Appearances.— Shri M. M. Thorat, advocate for the Revision Applicants.
Shri S. K. Shinde, Union Representative for the respondent No.1.

Oral Judgment

(Delivered on 20th April 2012)

1. This Revision application is directed against and arising out of the Judgment and order dated 3rd December 2010 by which order learned Presiding Officer of 12th Labour Court, Mumbai has partly allowed the complaint declaring that the respondent is engaged in the unfair labour practices as alleged and ordered to desist from doing the same in future. It was further directed by the learned Lower Court to the respondent to reinstate the complainant on his original post with continuity of service and to pay 50% back wages from the date of termination till reinstatement. Respondent was directed to reinstate the complainant.

2. Facts leading to the revision petition, in short, can be stated as under :—

Respondent is a company doing the business of export and import of engineering spare parts, chemicals and machineries. The complainant was appointed by the respondent as ‘Exports Assistant’ though he was designated in pay slip as Executive. He used to assist his senior executive in export department. It is the case of the complainant that he has no right to take decision in respect of business affairs. Only directors of the company used to appoint employee and decide about their service conditions. The complainant did objected about his designation in pay-slip. He has not acted as an executive but respondent did not pay any heed. It is the case of the complainant that his last drawn salary was Rs. 13, 843 and that he has completed more than 8 years continuous service.

3. It is the case of the complainant that on 2nd May 2009 as he went on duty as usual, the respondent No.2 called the complainant to his cabin and tried to hand over the letter dated 29th April 2009 about termination of his service without disclosing any misconduct. After receipt of the letter dated 29th April 2009 and 2nd May 2009, the complainant had denied the allegations by his letter dated 11th May 2009. On 1st May 2009 at about 2-00 p.m. the complainant was told that his services are no more required and respondent asked him to leave his office. It is his case that he has been terminated from service without following due process of law and without assigning any reasons, no show cause notice was issued to him, no charge-sheet was served upon him. It is his case that his past service record was clean and unblemished. The action of termination on the part of the respondents was against the principles of natural justice and with undue haste arising out of victimisation coupled with colourable exercise of employer’s right and not in good faith. No domestic enquiry was conducted. There was no show cause notice given to the complainant nor any wages were paid against any notice as would be contemplated under section 25F, 25G and

25H of Industrial Disputes Act, 1947, It is also case of the complainant that there is violation of provisions section 25G of Industrial Disputes Act, 1947. It is also the case of the complainant that in spite of sincere efforts to get employment he has failed to obtain any gainful employment. It is his case that in the respondent company there is sufficient work as such for all these reasons and the grounds stated, it is the case of the complainant that respondents have engaged in unfair labour practices within the meaning of Items 1(a), (b), (d), (f) if Schedule IV of the MRTU and PULP Act, 1971.

4. It appeared that after appearing respondents have appeared and filed their written statement which is at Exh. C-1. They have denied the allegations made against them. It is their case that the complaint itself is not tenable. There was no oral terminatin of the complainant dated 2nd May 2009. In fact there was order of dismissal issued to the complainant dated 29th April 2009 which the complainant has refused to accept. It was therefore, sent to him by RPAD. It is the case of the respondent that the complainant by no stretch of imagination could be called as workman within the meaning of section 2(s) of the Industrial Disputes Act, much less an employee under section 3(5) of the MRTU and PULP Act, 1971. He never performs the duties of workman. He was doing work of managerial cadre or administrative and also supervisory nature. He was drawing basis salary more than Rs. 6,500 per month. It is a small company which is having 7 to 8 employees, and therefore, provisions of the MRTU and PULP Act, 1971 do not apply to the respondent. It is their case that services of the complainant have been terminated on the ground of loss of confidence, faith and trust in him. The nature of the duties of the complainant were confidential and he was required to maintain very high degree of secrecy, fidelity, sincerity and honesty and complainant was under an obligation not to disclose the trade secrets, informaton concering the business or finances of the company. However, since October, 2008, it is the cae of the respondent that they had noticed that the complainant was indulging in the acts of omissions, commissions of misconducts and was acting against the interest of the company. Even company received complaints against the complainant from clients. He was very rude and abusing and threatening them and was seeking personal favours from clients. Explanation was sought from the complainant and he was asked to improve his behaviour. There was no improvement in his behaviour, and therefore, the services of the complainant were terminated. It is the case of the respondent that as per clause 11 of letter of appointment, the company has right to terminate the services of the complainant without notice in case of misconduct, breach of trust, insubordination or for any other similar cause. As such, the respondent prayed or dismissal of complaint with costs. The learned Lower Court on the basis of the pleadings of the rival parties has framed the issues. Issue No. 1 is, Whether the complainant is an 'employee' as per section 3(5) of the MRTU and PULP Act, 1971, *vis-a-vis* a workman as per section 2(s) of the I. D. Act ? Issue No. 2 is, Whether complainant proves that he has been illegally terminated by the respondents orally w.e.f. 2nd May 2009 and therefore, engaged into unfair labour practices under item 1(a), (b), (f) and 5, 9 of Schedule IV of the Act ? Issue No.3 is Whether the complainant is entitled to the reliefs claimed ? It appears that the complainant has examined himself by filing affidavit in lieu of examination in chief which is at Exh. U-9. As per Exh. U-6, documents have been placed on record. Respondent No.2 examined himself and in addition has filed certian documents on record as per list Exh. C-9, Exh. C-3, C-4. On the basis of oral and documentary evidence adduced by the parties, the learned Lower Court came to the conclusion that the complainant is an employee within the meaning of section 3(5) of the MRTU and PULP Act, 1971 and workman within the meaning of section 2(s) of the Industrial Disputes Act. He thus, answered this issue in affirmative and similarly he has come to the conclusion that the respondents have engaged in unfair labour practices and as such on the basis of these findings, he ordered reinstatement with 50% back wages from the date of termination till the date of reinstatement. Hence, this revision application. learned advocate Shri Thorat appeared for the

respondent employer. He contended that Shri Jagdish Paradkar was appointed on 7th May 2001 as "Export Assistant." In due course he was promoted as "Senior Export Executive". There is complete change in his pay scale. Pay package which cannot be done in case of ordinary workman. He invited the attention of this Court to some documents saying that the signatures which were made by the complainant were differing from one to another. By taking this Court through the documents which are placed on record, learned advocate Shri Thorat submitted that revision application needs to be allowed by setting aside the impugned Judgement and order. On the other hand, the representative of the respondent-original complainant Shri S. K. Shinde submitted that not the designation but the nature of predominant work is to be taken into consideration. The complainant has no authority to take a decision independently. He had no control over subordinate staff. He has no authority to appoint anybody or to terminate anybody for that matter. He was answerable to his superiors. But there was nobody answerable to him, argued Shri Shinde for the complainant. According to him, the learned Lower Court has come to right conclusion for holding that complaint is workman within the meaning of section 2(s) of Industrial Disputes Act, 1947 and section 3(5) of the MRTU and PULP Act, 1971. There is no error committed by the learned Labour Court in ordering reinstatement with 50% back wages. Even assuming that the complainant was doing the work of managerial nature, but his powers were withdrawn in 2005. There is no evidence to show that he was providing confidential information to the businessman who were competing with the business of original respondent. There is no breach of confidence or loss of confidence. In such circumstances, the allegations made against the complainant are baseless. He submitted that there was no enquiry held, there was no charge sheet served upon him, no proper procedure was followed for terminating his services, therefore, the order of the learned Lower Court is just, proper and does not deserve any interference.

5. After hearing both the sides and after considering oral and documentary evidence adduced by both the parties, following points arise for my determination and I record my findings against them for the reasons stated below :—

Issues

Findings

- | | |
|---|-----------------------------|
| (1) Whether the findings of the learned Lower Court require interference in so far as it relates to the status of the complainant as a 'Workman' and direction as to his reinstatement with 50 % back wages ? | Partly in affirmative |
| (2) What order ? | Revision is partly allowed. |

Reasons

6. *Points No. 1.*— It is the case of the respondent-original complainant that though he was appointed as 'Export Assistant', he used to do the work of clerical nature such as making all the documents related to pre-shipment and post-shipment. He had no right to take decision about the business affairs. He used to assist Mr. Kalpesh Shah and Mr. Jayant. He was working under them. He has worked for 8 years under them continuously and was getting Rs. 13,843 per month toward salary. He was issued with pay slip as Senior Executive. He states that he has taken objection to his designation in pay-slip but he was scared. He then states that on 2nd May 2009 he was called by Shri Shetty, who asked him that the services of the complainant were no more required. His services were therefore terminated *w.e.f.* 2nd May 2009. He himself states that the respondents have produced the documents which would go to show that he was considered as Senior Executive. According to him all these documents are fake and as such have not been admitted by him. He received cheque of Rs. 44,788 for balance leave salary, earned wages, L.T.A. and medical expenses. He states

that he had accepted the cheque under protest with reserving his right to proceed further under ULP Complaint. This he informed the respondent on 2nd July 2009. The respondents have produced on record the documents, as per list Exh. C-4 from these documents, it transpires that he was working as assistant export executive. His salary package was revised from 61,011 to 72,019 in the year 2002-2003. Thereafter by letter dated 22nd June 2004 complainant was again promoted as Senior Export Executive. His salary was hiked with package from Rs. 71,316 to Rs. 1, 45,040 *w.e.f.* 1st April 2004. There is letter Exh. C-5, whereby it was informed to the complainant that his behaviour was rude with Shri S. L. Shetty, president of the respondent company and other staff members in the office. He was asked to amend himself and to maintain office decorum. He was advised as to why disciplinary action should not be taken against him, to which Shri Paradkar gives his reply as per Exh. C-6 stating that because of workload he might have lost his control at some time which was construed as misbehaviour on his part by the authorities. He defended himself by this letter dated 3rd October 2005. There is some correspondence including the notice of termination of his service which is placed on record alongwith this list Exh. C-3. There is another office memo dated 28th September 2005 on the basis of which the complainant states that his status was reduced to the status of workman and he was asked to co-ordinate with Mr. Kalpesh Shah and Mr. Jayant Modi for movement of Export Cargos which includes Packing, excise matters and he was supposed to look after only pre-shiftment and post shipment including SGS matters. It was also informed to him by this letter dated 28th September 2005 that henceforth all the dock activity including liason with the shipping companies for booking of cargo will be looked by C and F agent, M/s. Loknath Cargo and that Mr. Shetty had instructed M/s. Loknath Cargo to Co-ordinate with Mr. Kalpesh Shah and Mr. Modi or with Shri Shetty, if both of them are not available. From the documentary evidence which is not supporting the complainant, which may *prima facie* make someone to infer that the complainant was working on coveted post of Senior Executive with handsome salary per annum, and therefore, must be necessarily working in the managerial cadre and working in the administrative capacity or supervisory capacity. The letter dated 28th September 2005 which is relied upon by the complainant one may draw *prima facie* conclusion that the status of the complainant was reduced in the year 2005 and he was asked to seek directions from the Mr. Kalpesh Shah and Mr. Modi. It does not therefore become clear what was the exact nature of work which the complainant was doing. Whether it can be called as a work of workman or some supervisory nature or managerial nature for that matter. The evidence of the respondent, therefore, becomes material. Mr. Shahikumar Lokya Shetty is the witness who is examined by the respondent, whose testimony is at Exh. C-11. He happens to be the President of M/s. Metochem International Pvt. Ltd. The company was established on 16th March 1995 as merchant exporter. The respondent company is carrying on business of export of equipments and other engineering products to its foreign clients. It is a small establishment having only 7-8 employees. What appears from his affidavit is that he wants to tell the court that the complainant was working in the managerial cadre as a senior Executive and as such cannot be called as workman. In para 6 he gives the list of the duties which were supposed to be performed by the complainant which are thus :—

- (1) Co-ordinating and instructing the suppliers to dispatch the goods from their factory/godown/place of business to Sea port and also to Air Cargo/Air Clearing and forwarding godown.
- (2) Co-ordinating with the warehouse of the company situated out of Mumbai *i.e.* Bhiwandi/Vashi etc.
- (3) Co-ordinating with clearing and Forwarding agents for both Air and Sea Shipment for receipt of goods.
- (4) Preparing of documents related to customs for exports and sending the same to clearing agents of Sea and Air.

- (5) Authorized to sign documents on behalf of the Company and as such performing acts which are binding the Company.
- (6) Responsible for preparing documentation and other export formalities.
- (7) Export banking, excise and others.
- (8) Scrutinizing the quality and quantity of goods and issuing certificate thereof on behalf of the Company.
- (9) Issuing Debit notes to the client companies on behalf of the Respondent Company.
- (10) Issuing declarations in respect of export of goods on behalf of the Respondent Company.
- (11) Issuing certificates of conformity of standards on behalf of the Respondent Company for export verification.
- (12) Issuing form C-16 *i.e.* Certificate of value and of origin for export of goods on behalf of the Respondent Company.
- (13) Checking, inspecting and confirming the quality and quantity of goods for and on behalf of the Respondent Company and issuing necessary certificates.
- (14) Issuing manufacturer's certificate of production on behalf of the Respondent Company to the client companies.
15. Issuing declarations to the custom authorities and other Government Authorities on behalf of the companies.
16. Issuing custom invoices and packing lists on behalf of the Respondent Company.

The main work from the duties appears to be co-ordination. Shri Shetty was cross-examined by the complainant's representative Shri S. K. Shinde. He denied in the cross-examination that the Board of Directors have rights to take decisions in respect of business of respondent and that they only have right to appoint an employee. He admits in the cross-examination however, that the complainant used to receive directions and instructions from Doshi, Modi and from this President Shri Shetty. He was unable to state if there were 13 employees working in the establishment in the year 2007. He denied that the complainant used to sign the muster roll and again says that the complainant used to sign on the muster roll during the period of his employment. He was unable to state that if Mr. Iyer used to sign on the same muster roll but admitting that one Mr. Sakharam was used to sign on it. He admits that the employee who signed on the muster roll were covered under the P. F. Authority. From this evidence on record, it becomes clear that the respondent organisation was too smaller unit, whether there could be a hierarchy of employees which could be called as lower managerial cadre and middle management and higher management and some people in the lowest rank who may be called as workmen only with 8 to 9 employees in the organization. It is hard to believe that the complainant would be issuing orders to anybody, leave aside his authority to appoint somebody or remove somebody from the service or sanction leave or likewise. It does not become clear that from the respondent's evidence that he had authority to take decision on his own. Complainant was required to take instruction from Mr. Kalpesh and Mr. Modi and then hardly 5 employees left one does not know they were below in rank in the organisation of the complainant. It appears that the nature of work of the Shri Paradkar *i.e.* complainant was absolutely independent. He was acting within his own sphere but without the directions of Mr. Kalpesh and Mr. Modi he could not have acted or done his work as specified in para 6 of affidavit of Shri Shetty. Before the Trial Court the respondents have relied upon *Dhruba*

Kumar Changkakoti V. Travel Corporation of India Ltd. and Others reported in 2007 III CLR 239, concurrent findings of the Lower Courts holding that the complainant was not a workman were not disturbed. Another decision which appears to have been relied upon by the respondent in *Standard Chartered Bank Vs. Vandana Joshi and another in W. P. No. 975 of 2009* in such cases where their Lordships have observed that the designation or the nomenclature in this area of law is not decisive. Question whether a person is 'workman' within the meaning of Section 2(s) of Industrial Disputes Act, must be decided by nature of duties that were performed by the employee. The letter of appointment may suggest that the person was appointed in a managerial cadre. It was held that it was not decisive in nature. But nowhere the complainant or the employee was not doing the duties which were predominantly those of workman u/s. 2(s) of Industrial Disputes Act, such decisions or Judgements. Where the Court is called upon to examine whether person concerned is a workman or had worked in the managerial or supervisory cadre. The facts of each case constitutes its precedent. There cannot be a straight jacket formula to adjudge that in the given circumstances and within those parameters the person is necessarily a workman or that he is working in a managerial or supervisory capacity. In the present case, when the respondent himself is admitting that the complainant used to sign the muster roll, his letter of appointment clearly shows that he was entitled to get bonus when there are hardly 7 to 8 employees in the organisation and two of them were supposed to supervise the work of complainant, there was provident fund account of the complainant point towards the capacity as a workman rather than he is doing the work of managerial or supervisory nature for that matter. Nomenclature such as Export Assistant and Senior Export Executive are merely a fiction in the present case. He was primarily doing the work of clerical nature, using his experience of doing similar work in the earlier organisation, his pay package does not matter, his nomenclature has no power to conclude that he was working in managerial or supervisory capacity or doing administrative work though the documents produced on record by the respondents speak about the designation or nomenclature. They do not help to the respondents but negate the contention that the complainant was a workman within the meaning of section 2(s) of Industrial Disputes Act such as and employee within the meaning of section 3(5) of the MRTU and PULP Act, 1971. I do not find that the learned Lower Court has committed any error in holding that the complainant is a workman within the meaning of section 2(s) of Industrial Disputes Act and thereby an employee within the meaning of section 3(5) of the MRTU and PULP Act, 1971. While answering issue No.2, Learned Lower Court has answered it in the affirmative that the services of the complainant were illegally terminated by the respondents w.e.f. 2nd May 2009 and therefore, they have engaged in unfair labour practices within the meaning of Item 1(a), (b) and (f) and 5 and 9 of Schedule IV of the MRTU and PULP Act, 1971. It is shocking that the operative part of the impugned order is silent on this aspect of the matter that under what of the Items of Schedule IV of the Act the complainant has proved his case of unfair labour practice. However, I proceed to examine if the findings of the Lower Court are looked in so far as it has held that there is unfair labour practice on the part of the respondent employer for illegally termination the services of the complainant employee. The complainant states that on 2nd May 2009 at about 2-00 p.m. President Shri Shetty told complainant that his services were no more required. He states that Shri Shetty handed over one letter dated 29th April 2009 to the complainant. Complainant did not accept that letter. He denied stating that they were false allegations against him that he is indulged in activity against the interest of the company. He states that he had tried to clarify and remove the misunderstanding. States that Shri Shetty was not satisfied and removed the complainant from his job without assigning any reason. Shri Shetty in his evidence states that in clause 11 of the appointment letter, the company has right to terminate the services of the complainant on account of loss of faith and on account of misconduct. It is true that had he been working in the senior managerial cadre or supervisory cadre, clause No.11 would have been applicable for his removal with any reason as stated in para 3 of affidavit

of Shri Shetty. But when it needs to remove an employee, the procedure established by law has to be followed. He has to be given warning, a notice or a chargesheet and to hold enquiry before his dismissal or removal from service. Nothing of this sort has been done by the respondent. The complainant could not have done by the respondent. The complainant could not have been sacked by the respondent employer. Merely by handing over any letter to him purporting to 29th April 2009 which according to the complainant was handed over to him on 2nd May 2009. This is a very small letter or order dated 29th April 2009 which speaks thus :—

“We regret to inform you that as per the decision of management your service is no more required in our organisation as you have indulged since last few months in activities against company's interest.”

The letter does not specify what were the allegations against the complainant and what was the misbehaviour on his part as to where he has gone wrong while doing his job. This letter therefore, or the order therefore does not assign any reason, it proceeds on the premise that the complainant was working on the managerial cadre and it was not necessary even after 8 years to assign any reason before his services were terminated. In my opinion the company has erred in not holding any enquiry against the complainant before terminating his services. No compensation was paid to him only all his dues were paid, as it appears, which were accepted by the complainant. The documents to that effect have been placed on record. The learned Lower Court has rightly come to the conclusion that by terminating the services of the complainant an illegality has been committed by the respondent w.e.f. 2nd May 2009 and therefore, have been engaged in to unfair labour practices under Item 1(a), (b) and (f) and 5 and 9 of Schedule IV of the MRTU and PULP Act, 1971. I do not find that there is any reason to differ from the decision and conclusion which is arrived at by the Lower Court in answering these issues in Affirmative and in favour of the complainant. I, therefore, answer this point No.2 accordingly. The question is whether the findings of the learned Lower Court requires interference. The order of reinstatement deserves to be set aside. The compensation will have to be however granted to the complainant besides all the legal dues which have been paid to him by the respondent employer. After the letter was issued of termination of his services w.e.f. 2nd May 2009, the complainant admits that he had received cheque of Rs. 13,843 on DCB Bank along with letter of termination and that he had encashed it. He also admits that he had received cheque for Rs. 44,788 of DCB Bank issued by the respondent and that he had encashed the same. He states that after termination he did not met any off the officers of the company nor visited the company. From this it becomes evident that by encashing cheque the complainant has mutly accepted his termination without any protest. The correspondence which is at Exh. C-4 between the company director and complainant shows that company has document about his behaviour and the illegal demands which he has made with the customers of the respondent company. One such letter is dated 6th February 2009 of Loknath Cargo Logistics by its proprietor Shri Sudipta Guha, which clearly makes allegations against the complainant. Shri Guha writes to the respondent company that the complainant was very rude while talking on phone. He was abusing and threatening of dire consequences, if his personal demands are not met with. He even offered to sit with Guha and to settle the specific amount per ship made though Loknath Cargo Logistics. This throws light on the nature of complainant and of what kind of man he was at relevant time. Certainly even if he is an employee or workman within the meaning of Section 2(s) of Industrial Disputes Act even if there is no enquiry conducted against him, in such circumstances, whether reinstatement of such an employee was warranted. This I observe in the complainant's own letter to the company which is at Exh. C-7, dated 11th May 2009 before he files the complainant. At the concluding paras of the letter the complaint writes thus :—

“That during my 8 years tenure working with the comany there was no such issues and suddenly management feels that my service is no more required.”

He then writes to issue experience certificate at the earliest. This makes it very clear that the complainant has accepted his termination and asked to the company to clear all his dues. Therefore, the order of reinstatement in my opinion is totally uncalled for. He can be compensated for his illegal termination from service by the respondent, which can be taken into consideration in the light of impugned order of 50% back wages from the date of termination till reinstatement. As such, as far as reinstatement is concerned the finding of the Lower Court requires to be set aside with the remaining part of the judgement and order especially the operative part which needs to be confirmed without disturbing the findings of the learned Lower Court. With this, I answer that revision needs to be partly allowed by modifying the order of the learned Lower Court as under. Hence, the following order.

Order

Revision is partly allowed as under :—

(1) That the order allowing the complaint partly stands confirmed.

(2) That the declaration that the respondents have engaged into unfair labour practices as alleged and the order of the Court directing the respondents to desist from the same in future stands confirmed.

(3) However, the order of reinstatement with continuity of service is hereby, set aside.

(4) The complainant shall be entitled to the compensation equivalent to pay of 50% of back wages on the basis of salary of Rs. 15,471 of the complainant and till the decision of this revision i.e. 50% of the gross salary. The respondents since it has deposited Rs. 1,66,314 till March, 2011 i.e. 50% of the gross salary, the complainant shall be entitled to get remaining amount of @ 50% wages of Rs. 15,471 as monthly gross salary of the complainant from March 2011 till the decision of this revision i.e. till today.

(5) In the fact and circumstances, there shall be no order as to costs.

(6) R. and P. be sent back to the Labour Court forthwith.

Mumbai,
dated the 20th April 2012.

A. R. MAHAJAN,
Member,
Industrial Court, Maharashtra,
Mumbai.

(sd).....
I/c. Registrar,
Industrial Court, Maharashtra, Mumbai,
dated the 5th May 2012.

BEFORE INDUSTRIAL COURT, MAHARASHTRA AT MUMBAI

BEFORE SHRI A. R. Mahajan, MEMBER

REVISION APPLICATION (ULP) NO. 55 OF 2012.—IN COMPLAINT (ULP) No 149 OF 2011.—

(1) Shri Sanjay Ishwar Bhanushali, B-601, Neha Pooja Co-op. Housing Soc. Ltd., Mitha Nagar, M. G. Road, Goregaon (W.), Mumbai 400 063.—*Applicant*—Versus (1) The Municipal Corporation of Greater Mumbai, Mahapalika Marg, Fort, Mumbai 400 001, (2) The Commissioner, The Municipal Corporation of Greater Mumbai, Mahapalika Marg, Fort, Mumbai 400 001, (3) The Chief Security Officer, The Municipal Corporation of Greater Mumbai, Mahapalika Marg, Fort, Mumbai 400 001—*Opponents*

CORAM.— Shri A. R. Mahajan, Member.

Appearances.— Shri A. B. Kulkarni, Advocate for the applicants.

Shri Birajdar, Advocate for the respondents.

Oral Judgement

(Delivered on 10th May 2012)

1. This revision is application is against the order below Exh. U-2, dated 30th April 2012 passed by the Judge, 6th Labour Court, Mumbai by which order application Exh. U-2 was rejected by the learned Labour Judge. The order dated 25th August 2011 has been vacated although the words used are “quashed and set aside”.

2. The facts in brief, leading to the present revision can be stated under.

The complainant was working as “Assistant Security Officer” posted at Kurla, L-Ward. On 7th February 2007, the complainant was caught red-handed while accepting bribe from one Shri H. G. Bhagat of Rs. 15,000. On the same day, the complainant was suspended and since then, he was put under suspension till 21st March 2009. It appears that, he was again taken back in the employment by revoking his suspension order and strangely he was again put under suspension merely after six months period. Be that as it may. A criminal case was registered against the complainant under Prevention of Corruption Act, 1988. The trial was conducted and he was convicted u/s. 13(1) (d) r/w. 13(2) of Prevention of Corruption Act, 1988 and ordered to suffer R. I. for three years and to pay fine of Rs. 7,500 failing which to suffer S. I. for six months. It appears that the complainant has preferred Criminal Appeal before Hon’ble High Court and Hon’be High Court by its order stayed the order dated 18th February 2011. After this conviction order was passed the complainant was issued with show-cause notice calling upon him to explain as to why he should not be dismissed because of punishment awarded to him by special Court in Special Case No. 110 of 2009. It appears that ultimately, the Competent Authority i.e. Disciplinary Authority has dismissed the complainant from services by passing order of dismissal on 18th August 2011. As these things were happening. the complainant filed complaint (ULP) No. 149 of 2011 on 24th August 2011 as if to show that the complainant had no knowledge about the order of dismissal passed against him and prayer clauses in Complaint states thus alleging unfair labour practices on the part of respondents that without holding enquiry as contemplated under Model Standing Orders there is likelihood of dismissal order against him. With this apprehension in the complaint he had prayed that it be held that the respondents have engaged in unfair labour practices under items 1(a) , 1(b), 1(d), and 1(f) of Schedule IV of the MRTU and PULP Act, 1971 and that they should desist from engaging in the unfair labour practices as such. It has also been prayed that the suspension order dated 12th October 2009 issued to the complainant be quashed and set aside and to direct the respondents to pay full wages to the complainant for the entire period of suspension with 18% compound interest thereon till the date of actual payment. Prayer clause (E) states thus that to direct the respondents to reinstate the complainant with full back wages and continuity of service, in the event the punishment of termination is awarded to him either by way

of discharge/dismissal or in any other manner and also for payment of compensation. Pending hearing and disposal of the complaint, the application Exh. U-2 was preferred and the order came to be passed on 25th August 2011 by learned labour Judge as mentioned above. In the said order, the learned Labour Judge happened to pass the order making specific observations that the Corporation has already issued dismissal order, but which could not be served upon him and yet the learned Labour Judge passed the order of maintaining *status quo* in respect of service of the employee calling upon the respondents to file reply to Exh. U-2. As the reply came, as it appears that the preliminary objection as regards to status of the complainant was raised that he is not a workman and as such not an employee within the meaning of section 3(5) of the MRTU and PULP Act, 1971 and workman within the meaning of section 2 (s) of Industrial Disputes Act, since he has sufficient staff working under him. So, the core issue which was to be decided by the learned Labour Judge was, whether the complainant is an employee within the meaning of Section 3(5) of MRTU and PULP Act, 1971 and a workman within the meaning of Section 2(s) of Industrial Disputes Act, was expected to be decided by him. But, he has proceeded to decide interim relief application Exh. U-2, and has rejected the same on the ground complainant is not a workman within the meaning of section 2 (s) of Industrial Disputes Act, and an employee within the meaning of section 3(5) of the MRTU and PULP Act, 1971 *prima facie*. Hence, this revision application. The revision application was filed immediately after the impugned order was passed as mentioned above. The Court has called for the record and proceedings and also has decided to hear learned advocate Shri A. P. Kulkarni for the revision applicant-original complainant and learned advocate Shri Birajdar for the respondent corporation and while argument was being advanced it was noticed that there are serious lapses on the part of both the parties as well as unsustainable order of 25th August 2011 passed by the learned Labour Judge. According to the complainant when the order of dismissal was already passed and was not served upon the complainant without challenging said order, the *status quo* was granted and since 25th August 2011, this *status quo* as regards to employment of the complainant is in force without severance of relationship between the parties. Be that as it may. Learned advocate Shri A. P. Kulkarni has raised preliminary objection that without deciding the issue of jurisdiction *i.e.* the status of the complainant as workman, application Exh. U-2 has been disposed of resulting into its miscarriage of justice. He also submitted that internal rules of the Corporation do not apply but the Model Standing Orders apply to the services of the complainant. The Model Standing Orders envisage that when on the ground of misconduct punishment awarded is likely to be discharge, dismissal or termination, the enquiry is contemplated giving opportunity to the complainant and in the present case, according to the learned advocate Shri A. P. Kulkarni, the order of dismissal is likely to be passed without holding enquiry against the complainant. Learned advocate Shri Birajdar has invited my attention to the decision of the Hon'ble Apex Court in case of 1973, *LAB I.C.C. 851 (V6 C 173) Supreme Court The Workmen of Firestone Tyre and Rubber Co. Vs The Management and Ors.* There are number of Judgements relied upon by learned advocate Shri A. P. Kulkarni and also by learned advocate Shri Birajdar in respect of their contentions. Considering that the dismissal order has not been challenged, this Court finds it necessary that the revision itself is to be disposed of without touching the aspect of jurisdiction and without touching the merit of the Ext. U-2 of *prima facie* unfair labour practices as alleged by the complainant. Since the Court has decided to remand the matter leaving it to the discretion of the Lower Court to decide and to ponder over the issue of jurisdiction as well as on merit of the Exh. U-2, for the following reasons.

3. I find that the order of the learned Lower Court although it is to be maintained, but the revision will have to be partly allowed for the reasons stated below.

Reasons

4. It is undisputed fact that the dismissal order dated 18th August 2011 is passed on conviction passed against the complainant by Special Court under Anti Corruption Bureau and that has become the basis of passing the order of dismissal. The complaint as I have recorded has been filed on 24th August 2011 without mentioning anything about the order of dismissal as if to suggest that the dismissal order is not known to the complainant. It may be true and may nor be true. But it is undisputed fact that the order could not be served upon the complainant. But it is also undisputed fact that it was brought to the notice of the complainant that such order came to be passed on 18th August 2011, which is reflected in the order dated 25th August 2011 passed by learned Labour Judge when he has specifically observed about passing of such order by the competent authority. In such circumstances, in my opinion the *status-quo* order was unwarranted unless the complaint is amended and the order of dismissal which was challenged after two years of suspension is the core issue to be decided. It was unsustainable and unwarranted that the complaint challenges suspension and asks for setting aside the same, this in my opinion has been consciously done. But because of the lapses on the part of the Corporation and because of the order dated 25th August 2011, it is desirable to give opportunity to the complainant to amend the complaint on or before 18th May 2012. The complainant is at liberty to amend the complaint in view of the order of dismissal dated 18th August 2011 which has not been challenged in the present complaint as it is before the learned Labour Judge. After the complaint is amended, the complainant is directed to serve the copy of the amended complaint upon the respondent corporation and he will be at liberty to move *interim relief* application in the changed circumstances pursuant to the amendment to be carried out for *interim relief*. The respondents as they have raised issue of jurisdiction about the status of the complainant, the learned Lower Court is at liberty to decide it as a preliminary issue before deciding application Exh. U-2 and it is left to the discretion of the learned Labour Judge to proceed with the matter and in accordance with the procedure established by law. The parties therefore shall appear before the learned Labour Court on 18th May 2012. The order of *status-quo* as regards to present status of the complainant is concerned to continue for the period of 2 weeks from now. The respondent Corporation shall serve the copy of the dismissal order upon the complainant forthwith and the complainant shall accept the copy of the dismissal order immediately when attempted to be served upon him. At this juncture learned Advocate Shri A. P. Kulkarni fairly submitted that since the dismissal order was placed on record on 25th August 2008, the complainant does not insist for separate service of dismissal order upon him and it is taken to be served upon him. As such, with these observations, I find that the revision will have to be partly allowed and it will have to be disposed of with directions to the Lower Court in the light of the above observations and directions given. Hence, the following order :—

Order

- (1) Revision application is partly allowed.
- (2) The order dated 30th April 2012 in Complaint (ULP) No. 149 of 2011 rejecting application Exh. U-2 stands confirmed.
- (3) The complainant is at liberty to amend the original complaint challenging the order of dismissal dated 18th August 2011 and he shall carry out the necessary amendment, if he so desires on or before 18th May 2012.
- (4) Copy of the amended complaint shall be served upon the respondent immediately.
- (5) Complainant will be at liberty to move application for *interim relief* on the basis of changed circumstances and amended claim of the complainant.

(6) The lower Court shall decide the objection as regards to jurisdiction and as well as application, if so preferred for *interim relief* after carrying out the amendment as expeditiously as possible. He shall give opportunity to both the sides of being heard on the point of jurisdiction as well as on *interim relief* application, if so preferred, after the amendment is carried out.

(7) Order of *status-quo* as awarded on 25th August 2011 to continue for the period of 2 weeks from now. If no amendment is carried out, the respondent will be at liberty to dismiss the complainant from service as per order dated 18th May 2011.

(8) R. and P. be sent back to Labour Court forthwith.

Mumbai,
Dated 10th May 2012.

A. R. MAHAJAN,
Member,
Industrial Court, Mumbai.

Sd/. —
I/c. Registrar
Industrial Court, Maharashtra,
Mumbai.
dated the 11th May 2012.

पुढील अधिसूचना इत्यादी असाधारण राजपत्र म्हणून त्यांच्यासमोर दर्शविलेल्या दिनांकांना प्रसिद्ध झालेल्या आहेत :—

१३३

सोमवार, मे २६, २०१४/ज्येष्ठ ५, शके १९३६

उद्योग, ऊर्जा व कामगार विभाग

मंत्रालय विस्तार, हुतात्मा राजगुरु चौक, मादाम कामा रोड,
मुंबई ४०० ०३२, दिनांक २६ मे २०१४.

अधिसूचना

कर्मचारी भविष्य निर्वाह निधी व संकीर्ण उपबंध अधिनियम, १९५२.

क्रमांक इपीएफ. ०९/प्र.क्र. १०१/कामगार-४.— ज्या अर्थी, कर्मचारी भविष्यनिर्वाह निधी व संकीर्ण उपबंध अधिनियम, १९५२ च्या कलम १७(१)(अ) खाली सूट मिळण्यासाठी मे. कस्तुरबा हेल्थ सोसायटी, वर्धा या आस्थापनेनेच राज्य शासनाकडे अर्ज केला आहे (यात यापुढे जिचा उक्त आस्थापना असा निर्देश करण्यात आला आहे) ;

आणि ज्याअर्थी, केंद्र शासनाच्या मते, उक्त आस्थापनेतील कर्मचाऱ्यांच्या अंशदानाच्या दरांच्या बाबतीत, भविष्य निर्वाह निधीचे नियम हे, उक्त अधिनियमाच्या कलम ६ मध्ये विनिर्दिष्ट केलेल्या दरांपेक्षा कमी अनुकूल नाहीत आणि कर्मचाऱ्यांना भविष्य निर्वाह निधीचे अन्य लाभही तशाच स्वरूपाच्या अन्य कोणत्याही आस्थापनेतील कर्मचाऱ्यांच्या संबंधात, उक्त अधिनियमाखाली किंवा कर्मचारी भविष्य निर्वाह निधी योजना, १९५२ (यात यापुढे जिचा निर्देश उक्त योजना असा करण्यात आला आहे), याखाली त्या कर्मचाऱ्यांना मिळत असलेल्या लाभांपेक्षा एकंदरीत कमी अनुकूल नाहीत ;

त्याअर्थी, आता, कर्मचारी भविष्य निर्वाह निधी व संकीर्ण उपबंध अधिनियम, १९५२ च्या कलम १७(१) (अ) द्वारे प्रदान करण्यात आलेल्या अधिकारांचा वापर करून, आणि यासोबत जोडलेल्या अनुसूचीमध्ये विनिर्दिष्ट केलेल्या शर्तीच्या अधीनतेने, राज्य शासन, याद्वारे, उक्त आस्थापनेस उक्त योजनेच्या सर्व तरतुदींचे प्रवर्तन करण्यातून दिनांक १ ऑक्टोबर १९९२ पासून पूर्वलक्षी प्रभावाने सूट देत आहे.

अनुसूची

(१) उक्त आस्थापनेच्या संबंधातील नियोक्ता महिन्या अखेरीपासून पंधरा दिवसांच्या आत, उक्त अधिनियमांच्या कलम १७, पोट-कलम (३) खंड (क) अन्वये, केंद्र शासन, वेळोवेळी निदेश देईल, त्याप्रमाणे तपासणी करण्याची सुविधा उपलब्ध करून देण्याची आणि तपासणी खर्च देण्याची तरतूद करील.

(२) या आस्थापनेच्या भविष्य निर्वाह निधीनियमांखाली देय असलेला अंशदानाचा दर हा, सूट देण्यात न आलेल्या आस्थापनांच्या बाबतीत उक्त अधिनियमांन्वये आणि त्याखाली तयार करण्यात आलेल्या उक्त योजनेन्वये कोणत्याही परिस्थितीत कमी असणार नाही.

(३) आगाऊ रकमांच्या बाबतीत, सूट देण्यात आलेल्या आस्थापनेची योजना ही, कर्मचारी भविष्य निर्वाह निधी योजना, १९५२ पेक्षा कमी अनुकूल असणार नाही.

(४) उक्त योजनेतील कोणतीही सुधारणा ही, आस्थापनेच्या विद्यमान नियमांपेक्षा कर्मचाऱ्यांना अधिक लाभप्रद असल्यास, ती आपोआप लागू करण्यात येईल. उक्त आस्थापनेच्या भविष्य निर्वाह निधी नियमांतील कोणतीही सुधारणा ही, प्रादेशिक भविष्य निर्वाह निधी आयुक्तांच्या पूर्वमान्यतेशिवाय केली जाणार नाही आणि कोणत्याही सुधारणेमुळे उक्त आस्थापनेतील कर्मचाऱ्यांच्या हितास बाधा पोहोचण्याचा संभव असल्यास, प्रादेशिक भविष्य निर्वाह निधी आयुक्त मान्यता देण्यापूर्वी, कर्मचाऱ्यांस त्यांची बाजू स्पष्ट करण्याची वाजवी संधी देईल.

(५) उक्त आस्थापनेत सूट देण्यात आली नसती तर [उक्त अधिनियमाच्या कलम २(च) मध्ये व्याख्या केल्याप्रमाणे] भविष्य निर्वाह निधीचे सदस्य होण्यास पात्र ठरेल असेल. त्या सर्व कर्मचाऱ्यांची सदस्य म्हणून नोंदणी करण्यात येईल.

(६) कर्मचारी अगोदरच, कर्मचारी भविष्य निर्वाह निधी (सांविधिक) किंवा अन्य कोणत्याही सूट देण्यात आलेल्या आस्थापनेच्या भविष्य निर्वाह निधीचा सदस्य असल्यास, सेवा नियोक्ता, निधीचा सदस्य म्हणून लगेचच त्याचे नाव नोंदवील आणि अशा कर्मचाऱ्यांच्या पूर्वीच्या नियोक्त्याकडील त्याच्या भविष्य निर्वाह लेखातील संचयित रक्कम हस्तांतरित करण्याची आणि ती रक्कम त्याच्या खात्यात जमा करण्याची व्यवस्था करील.

(७) नियोक्ता, केंद्रीय भविष्य निर्वाह निधी आयुक्त किंवा यथास्थित, केंद्र शासन, वेळोवेळी, देऊ शकेल अशा निर्देशानुसार भविष्य निर्वाह निधीच्या व्यवस्थापनासाठी विश्वस्त मंडळाची स्थापना करील.

(८) भविष्य निर्वाह निधी विश्वस्त मंडळाकडे विहित असेल व कर्मचारी भविष्य निर्वाह निधीच्या संघटनासाठी त्याबरोबरच भविष्य निर्वाह निधीत जमा होणारी रक्कम आणि भविष्य निर्वाह निधीतून केलेली प्रदाने आणि त्याच्या अभिरक्षेतील शिल्लक रकमा यांचा योग्य जमा खर्च ठेवण्यासाठी जबाबदार असेल आणि त्यासाठी उत्तरदायी असेल.

(९) प्रत्येक तीन महिन्यांतून किमान एकदा विश्वस्त मंडळाची बैठक बोलावण्यात येईल आणि केंद्र शासन/केंद्रीय भविष्य निर्वाह निधी आयुक्त किंवा त्याने प्राधिकृत केलेला अधिकारी यांनी जारी केलेल्या मार्गदर्शक तत्वांनुसार त्याचे काम चालेल.

(१०) विश्वस्त मंडळाने ठेवलेल्या भविष्य निर्वाह निधीचे लेखे, दरवर्षी, अर्हताप्राप्त स्वतंत्र सनदी लेखापालाकडून लेखापरीक्षा केली जाण्यास अधीन असतील, केंद्रीय भविष्य निर्वाह निधी आयुक्तास आवश्यक वाटेल तेव्हा लेखांची अन्य कोणत्याही अर्हताप्राप्त लेखा परीक्षकांकडून पुन्हा लेखापरीक्षा करवून घेण्याचा अधिकारी असेल आणि त्यासाठी करण्यात आलेला खर्च नियोक्त्याकडून उचलला जाईल.

(११) वित्तीय वर्षाच्या समाप्तीनंतर सहा महिन्यांच्या आत, प्रत्येक लेखावर्षातील लेखापरीक्षेत वार्षिक भविष्य निर्वाह निधी लेखांची एक प्रत आस्थापनेच्या लेखापरीक्षित ताळेबंदासह, प्रादेशिक भविष्यनिर्वाह निधी आयुक्ताकडे सादर करण्यात येईल. या प्रयोजनार्थ, भविष्य निर्वाह निधीचे वित्तीय वर्ष १ एप्रिल ते ३१ मार्च असे असेल.

(१२) नियोक्ता त्याच्याकडून आणि कर्मचाऱ्याकडून देय असलेले भविष्य निर्वाह निधीचे अंशदान, ज्या महिन्याचे अंशदान देय असेल त्यापुढील प्रत्येक महिन्याच्या १५ तारखेपर्यंत विश्वस्त मंडळाकडे हस्तांतरित करील. अंशदान भरण्यास कोणताही विलंब झाल्यास नियोक्ता तशाच प्रकारच्या परिस्थितीमध्ये सूट न मिळालेली आस्थापना ज्या रितीने हानीची रक्कम भरण्यास पात्र असते, त्याच रितीने विश्वस्त मंडळाकडे हानीची रक्कम भरण्यास पात्र असेल.

(१३) शासनाकडून वेळोवेळी देण्यात आलेल्या निर्देशानुसार, विश्वस्त मंडळ, निधीमधील पैशांची गुंतवणूक करील. विश्वस्त मंडळाच्या नावाने रोखे काढण्यात येतील आणि ते भारतीय रिझर्व्ह बँकेच्या पतनियंत्रणाखालील अनुसूचित बँकांच्या अभिरक्षेत ते ठेवण्यात येतील.

(१४) शासनाच्या निर्देशानुसार गुंतवणूक करण्यात कसूर केल्यास, विश्वस्त मंडळ, केंद्रीय भविष्य निर्वाह निधी आयुक्त किंवा त्यांचा प्रतिनिधी यांच्याकडून पृथःकपणे आणि संयुक्तपणे अधिभार लादला जाण्यास पात्र ठरेल.

(१५) विश्वस्त मंडळ लिखित नोंदवही ठेवील आणि व्याजाची वसुली व पूर्वीचे विमोचन वेळेवर होत असल्याची खातरजमा करील.

(१६) विश्वस्त मंडळ प्रत्येक कर्मचाऱ्यांच्या बाबतीत, त्यांनी जमा केलेले अंशदान आणि त्यातून काढलेल्या रकमा व व्याज दर्शविणारे तपशीलवार लेखे ठेवील.

(१७) मंडळ, वित्तीय लेखांकन वर्षाच्या समाप्तीपासून सहा महिन्यांच्या आत, प्रत्येक कर्मचाऱ्यास, वार्षिक लेखा विवरणपत्र देईल.

(१८) मंडळाला, प्रत्येक कर्मचाऱ्यास वार्षिक लेखा विवरणपत्राऐवजी पासबुक देता येईल. ही पासबुके कर्मचाऱ्यांच्या ताब्यात असतील आणि कर्मचाऱ्याने ती सादर केल्यानंतर, मंडळ ती अद्ययावत भरून देईल.

(१९) प्रत्येक कर्मचाऱ्याच्या खात्यामध्ये, लेखांकन वर्षाच्या पहिल्या दिवशीच्या प्रारंभिक शिल्लक रकमेवर विश्वस्त मंडळ ठरवील अशा दराने काढण्यात आलेले व्याज जमा करण्यात येईल. मात्र हा दर, उक्त योजनेच्या परिच्छेद ६० खाली केंद्र शासनाने जाहीर केलेल्या दरापेक्षा कमी असणार नाही.

(२०) गुंतवणुकीवरील प्राप्ती कमी झाल्यामुळे किंवा अन्य कोणत्याही कारणांमुळे केंद्र शासनाने जाहीर केलेल्या दराने व्याज देण्यास विश्वस्त मंडळ असमर्थ असल्यास, ही कमतरता नियोक्ता भरून काढील.

(२१) नियोक्ता चोरी, घरफोडी, अफरातफर, दुर्विनियोग किंवा अन्य कोणतेही कारण यांमुळे भविष्य निर्वाह निधीची झालेली कोणतीही हानी भरून काढील.

(२२) केंद्र शासन/केंद्रीय भविष्य निर्वाह निधी आयुक्त वेळोवेळी विहित करील अशी विवरणपत्रे नियोक्ता तसेच विश्वस्त मंडळ प्रादेशिक भविष्य निर्वाह निधी आयुक्तांकडे सादर करील.

(२३) योजनेच्या परिच्छेद ६९ च्या आधारे, कर्मचारी निधीचा सदस्य असणे बंद होईल त्याबाबतीत, नियोक्त्यांचे अंशदान समाप्त करण्याची तरतूद आस्थापनेच्या भविष्य निर्वाह निधी नियमांमध्ये करण्यात आली असल्यास, विश्वस्त मंडळ अशा समाप्त रकमेचा हिशेब स्वतंत्रपणे ठेवील आणि केंद्रीय भविष्य निर्वाह निधी आयुक्तांची पूर्वमान्यता घेऊन तो निर्धारित करील अशा प्रयोजनांसाठी तो उपयोगात आणील.

(२४) आस्थापनेच्या भविष्य निर्वाह निधी नियमांमध्ये काहीही अंतर्भूत असले तरी, आस्थापनेचा कर्मचारी असण्याचे बंद झाल्यामुळे कोणत्याही सदस्यास, कर्मचारी व नियोक्ता यांचे अंशदान अधिक त्यावरील व्याजासह, उपदान किंवा निवृत्तिवेतन नियम यांखाली देय असलेली कोणतीही रक्कम ही, तो जर, उक्त योजनेखाली भविष्य निर्वाह निधीचा सदस्य असता तर त्याला कर्मचारी व नियोक्त्याचे अंशदान अधिक त्यावरील व्याज या पोटी जितकी रक्कम देय झाली असती त्या रकमेपेक्षा कमी असल्यास, तिच्यातील तफावतीची रक्कम नुकसान भरपाई किंवा विशेष अंशदान म्हणून नियोक्ता भरील.

(२५) लेखे ठेवणे, विवरणपत्रे सादर करणे, संचित रक्कम हस्तांतरित करणे यांसह, भविष्य निर्वाह निधीचा व्यवहार चालविताना होणारे सर्व खर्च नियोक्ता करील.

(२६) नियोक्ता, समुचित प्राधिकाऱ्याने मान्यता दिलेल्या निधीच्या नियमांची एक प्रत आणि त्यात जसजशा सुधारणा करण्यात येतील त्या सुधारणा, जास्तीत जास्त कर्मचाऱ्यांना समजेल अशा भाषेमध्ये भाषांतरित केलेल्या त्यातील ठळक मुद्द्यांसह आस्थापनेच्या सूचना फलकावर लावील.

(२७) समुचित शासनास, आस्थापनेला देण्यात आलेली सूट चालू ठेवण्यासाठी आणखी कोणत्याही शर्ती घालता येतील.

(२८) नियोक्ता, ज्या आस्थापना वर्गात त्याची आस्थापना येते त्या वर्गासाठी असलेल्या भविष्यनिर्वाह निधीच्या अंशदानाच्या दरात उक्त अधिनियमान्वये वाढ करण्यात आल्यास, भविष्यनिर्वाह निधीच्या अंशदानाच्या दरात योग्य ती वाढ करील, जेणेकरून उक्त अधिनियमान्वये मिळणारे लाभ मिळू शकतील.

(२९) वरीलपैकी कोणत्याही शर्तीचा भंग करण्यात आल्यास, देण्यात आलेली सूट रद्द केली जाण्यास पात्र असेल.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

रविकुमार पाटणकर,

कक्ष अधिकारी.

In pursuance of Clause (3) of Article 348 of the Constitution of India, the following translation in English of the Government Notification, Industries, Energy and Labour Department, No. EPF. 09/C.R. 101/LAB-4, dated the 26th May 2014 is hereby published under the authority of the Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,

D. S. RAJPUT,
Joint Secretary to Government.

INDUSTRIES, ENERGY AND LABOUR DEPARTMENT

Mantralaya Annexe, Hutatma Rajguru Chowk, Madam Cama Road,
Mumbai 400 032, dated the 26th May 2014.

NOTIFICATION

EMPLOYEES' PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS ACT, 1952.

No. EPF. 09/C.R. 101/Lab-4.—Whereas, M/s. Kasturba Helath Society, P.O. Sevagram 442 12, Wardha (hereinafter referred to as the said establishment), who has applied for exemption under clause 17(1)(a) of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. (hereinafter referred to as the said Act) ;

And Whereas, in the opinion of the Central Government, the rules of the Provident Fund of the said establishment with respect to the rates of contribution are not less favourable to the employees therein that those specified in Section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character ;

Now Therefore in exercise of the powers conferred by clause 17(1)(a) of the said Act and subject to the conditions specified in the Schedule annexed hereto, the State Government hereby exempts the said establishment from the operation of all the provisions of the said Act with effect from 1st October 1992.

Schedule

(1) The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time to time direct under Clause (a) of sub-section (3) of section 17 of the said Act within 15 days from the close of every month.

(2) The rate of contribution payable under the provident fund rules of the establishment shall at no time be lower than those payable under the said Act in respect of the unexempted establishment and the said Scheme framed thereunder.

(3) In the matter of advance, the scheme of the exempted establishment shall not be less favourable than the Employees' Provident Fund Scheme, 1952.

(4) Any amendment to the said Scheme which is more beneficial to the employees than the existing rule of the establishment shall be made applicable to them automatically. No amendment to the rules of the Provident Fund of the said establishment shall be made without the previous approval of the Regional Provident Fund Commissioner and where any amendment is likely to affect adversely the interest of the employees of the said establishment, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

(5) All employees [as defined in section 2(f) of the said Act] who would have been eligible to become members of the Provident Fund, had the establishment not been granted exemption shall be enrolled as members.

(6) Where an employee who is already a member of Emoloyees' Provident Fund (Statutory) or a Provident Fund of any other exempted establishment, the employer shall immediately enroll him as a member of the fund and arrange to have the accumulations in the Provident Fund account of such employee with his previous employer transferred and credited to his account.

(7) The employer shall establish a Board of Trustees for the management of the Provident Fund according to such directions as may be given by the Central Provident Fund Commissioner or by the Central Government, as the case may be from time to time.

(8) The Provident Fund shall vest in the Board of Trustees who will be responsible for and accountable to the Employees Provident Fund organization *inter-alia* for proper accounts of the receipts into and payments from the Provident Fund and the balance in their custody.

(9) The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government/ Central Provident Fund Commissioner or an officer authorized by him.

(10) The account of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified independent Chartered Accountant annually. Where considered necessary, the Central Provident Fund Commissioner shall have the right to have the accounts re-audited by any other qualified auditor and the expenses so incurred shall be home by the employer.

(11) A copy of the audited annual Provident Fund accounts together with the audited balance sheet of the establishment for each accounting year shall be submitted to the Regional Provident Fund Commissioner within six months after the close of the financial year. For this purpose the financial year of the Provident Fund shall be from 1st of April to the 31st March.

(12) The employer shall transfer to the Board of Trustees the contributions payable to the Provident Fund by himself and the employees by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay Damages to the Board of Trustees for any delay in payment of the contributions in the same manner as an unexempted establishment is liable under similar circumstances.

(13) The Board of Trustees shall invest the money in the fund as per directions that may be given by the Government from time to time. The securities shall be obtained in the name of the Board of Trustees and shall be kept in the custody of a Scheduled Bank under the Credit Control of the Reserve Bank of India.

(14) Failure to make the investments as per directions of the Government shall make the Board of Trustees severally and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.

(15) The Board of Trustees shall maintain a script-wise register and ensure timely realization of interest and redemption proceeds.

(16) The Board of Trustees shall maintain detailed accounts to show the contribution credited, withdrawal and interest in respect of each employee.

(17) The Board shall issue an annual statement of account to every employee within six months of the close of financial/accounting year.

(18) The Board may, instead of the annual statement of account issue passbooks to every employee. Those passbooks shall remain in the custody of the employees and shall be brought upto date, by the Board on presentation by the employees.

(19) The account of each employee shall be credited with interest calculated on the opening balance as on the 1st day of the accounting year at such rate as may be decided by the Board of Trustees but shall not be lower than the rate declared by the Central Government under para 60 of the said Scheme.

(20) If the Board of Trustees are unable to pay interest at the rate declared by the Central Government for the reason that the return on investment is less or for any other reason, than the deficiency shall be made good by the employer.

(21) The employer shall also make good any other loss that may be caused to the Provident Fund due to theft, burglary, defalcation, mis-appropriation or any other reason.

(22) The employer as well as the Board of Trustees shall submit such returns to the Regional Provident Fund Commissioner as the Central Government/Central Provident Fund Commissioner may prescribe from time to time.

(23) If the Provident Fund rules of the establishment provide for forfeiture of the employers' contributions in cases where an employee ceases to be a member of the fund on the lines of para 69 of the Scheme, the Board of Trustees shall maintain a separate account of the amounts so forfeited and may utilise the same for such purpose as may be determined with the prior approval of the Central Provident Fund Commissioner.

(24) Notwithstanding anything contained in the rules of the Provident Fund of the establishment, if the amount payable to any member upon his ceasing to be an employee of the establishment by way of employer and employees' contribution plus interest thereon taken together with the amount, if any payable under the Gratuity or Pension rules be less than the amount that would be payable as employer's and employees' contributions plus interest thereon if he were a member of the Provident Fund under the said Scheme, the employer shall pay the difference to the member as compensation or special contribution.

(25) The employer shall bear all the expenses of the administration of the Provident Fund including the maintenance of accounts, submission of returns, transfer of accumulations.

(26) The employer shall display on notice board of the establishment, a copy of the rules of the fund as approved by the appropriate authority and as and when amended thereto alongwith a translation of the salient points thereof in the language of the majority of the employees.

(27) The "Appropriate Government" may lay down any further conditions for continued exemption of the establishment.

(28) The employer shall enhance the rate of Provident Fund contributions appropriately if the rate of Provident Fund contribution for the class of establishments in which his establishment falls is enhanced under the said Act so that the benefits provided under the said Act.

(29) The exemption is liable to be cancelled for violation of any of the above conditions.

By order and in the name of the Governor of Maharashtra,

RAVIKUMAR PATANKAR,
Section Officer to Government.

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मंगळवार, मे २७, २०१४/ज्येष्ठ ६, शके १९३६

उद्योग, ऊर्जा व कामगार विभाग

मादाम कामा रोड, हुतात्मा राजगुरु चौक, मंत्रालय, मुंबई ४०० ०३२, दिनांक २६ मे २०१४

अधिसूचना

कारखाने अधिनियम, १९४८.

क्रमांक एफएसी. २०१३/प्र.क्र. १८८/काम-४.—कारखाने अधिनियम, १९४८ (१९४८ त्रेसष्ठ) च्या कलम १० पोट-कलम (१) अनुसार प्रदान करण्यात आलेल्या शक्तीचा वापर करून महाराष्ट्र शासन यासोबत जोडलेल्या अनुसूची अंतर्गत स्तंभ (२) मध्ये नमूद केलेल्या अर्हताप्राप्त वैद्यकीय व्यवसायिकांची या अनुसूचीच्या स्तंभ (३) मध्ये त्यासमोर विनिर्दिष्ट केलेल्या कारखान्यांकरिता या अधिनियमाच्या प्रयोजनार्थ प्रमाणक शल्यचिकित्सक म्हणून याद्वारे नेमणूक करीत आहे.

अनुसूची

अ.क्र. (१)	वैद्यकीय अधिकाऱ्याचे पदनाम (२)	स्थानिक मर्यादा (३)
१	मुख्य वैद्यकीय अधिकारी, बी.ई.एस.टी., मुंबई	बी.ई.एस.टी. उपक्रमाचे सर्व आगारे/कार्यशाळा
२	वरीष्ठ उप मुख्य वैद्यकीय अधिकारी, बी.ई.एस.टी., मुंबई	बी.ई.एस.टी. उपक्रमाचे सर्व आगारे/कार्यशाळा
३	उप मुख्य वैद्यकीय अधिकारी, बी.ई.एस.टी., मुंबई	बी.ई.एस.टी. उपक्रमाचे सर्व आगारे/कार्यशाळा

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

रविकुमार पाटणकर,
कक्ष अधिकारी.

In pursuance of clause (3) of article 348 of the Constitution of India the following translation in English of the Government Notification, Industries, Energy and Labour Department, No. FAC. 2013/CR-188/LAB-4, dated the 26th May 2014 is hereby published under the authority of the Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,

D. S. RAJPUT,
Joint Secretary to Government.

INDUSTRIES, ENERGY AND LABOUR DEPARTMENT

Madam Cama Road, Hutatma Rajguru Chowk, Mantralaya,
Mumbai 400 032, dated the 26th May 2014.

NOTIFICATION

THE FACTORIS ACT, 1948.

No. FAC. 2013/CR-278/LAB-4.— In exercise of the powers conferred by sub-section (1) of section 10 of The Factories Act, 1948 (63 of 1948), the Government of Maharashtra hereby appoints the qualified medical practitioners mentioned in column 2 of the schedule hereto appended to be the certifying surgeons for the purpose of the said act, for the factories specified against them in column 3 of the schedule.

Schedule

Sr. No. (1)	Designation of Medical Officers (2)	Local Limits (3)
1	Chief Medical Officer, B.E.S.T., Mumbai	B.E.S.T.—Undertaking all depots/work shops.
2	Senior Deputy Chief Medical Officer, B.E.S.T., Mumbai.	B.E.S.T.—Undertaking all depots/work shops.
3	Deputy Chief Medical Officer, B.E.S.T., Mumbai.	B.E.S.T.—Undertaking all depots/work shops.

By order and in the name of the Governor of Maharashtra,

RAVEEKUMAR PATANKAR,
Section Officer.

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 मंगळवार, मे २७, २०१४/ज्येष्ठ ६, शके १९३६

उद्योग, ऊर्जा व कामगार विभाग

हुतात्मा राजगुरु चौक, मादाम कामा रोड, मंत्रालय,

मुंबई ४०० ०३२, दिनांक २६ मे २०१४

अधिसूचना

महाराष्ट्र खाजगी सुरक्षा रक्षक (नोकरीचे नियमन व कल्याण) अधिनियम, १९८१.

क्रमांक एसजीए. २०१४/प्र.क्र. २/कामगार-२.—ज्याअर्थी, ज्यांची नावे यासोबत जोडलेल्या अनुसूची एक च्या स्तंभ (२) मध्ये नमूद केलेली आहेत अशा विवक्षित सुरक्षा रक्षकांना (यात यापुढे ज्यांचा उल्लेख “उक्त सुरक्षा रक्षक” असा करण्यात आला आहे), उक्त अनुसूची एक च्या स्तंभ (४) मध्ये नमूद केलेल्या मुख्य मालकांकडे कामावर ठेवलेले आहे, अशा मे. लॉयल सिक्युरिटी फोर्स (इंडिया), १०, लाईट हाऊस, शिवाजीनगर, वागळे इस्टेट, ठाणे ४०० ६०४ (औरंगाबाद आणि जालना जिल्ह्याकरिता) व मालक श्री. रामाश्रय राममनोरथ दुबे यांनी महाराष्ट्र खाजगी सुरक्षा रक्षक (नोकरीचे नियमन व कल्याण) अधिनियम, १९८१ (१९८१ चा महा. ५८) याच्या कलम २३ अन्वये, उक्त अधिनियमाच्या सर्व तरतुदी आणि महाराष्ट्र खाजगी सुरक्षा रक्षक (नोकरीचे नियमन व कल्याण) योजना, २००२ (यात यापुढे ज्याचा उल्लेख “उक्त योजना” असा करण्यात आला आहे) यांच्या अंमलबजावणीतून सूट मिळण्यासाठी अर्ज केला आहे ;

आणि ज्याअर्थी, सल्लागार समितीशी विचारविनिमय केल्यानंतर व उक्त सुरक्षा रक्षकांना मिळत असलेल्या लाभांची पडताळणी केल्यानंतर, त्यांना मिळत असणारे लाभ हे उक्त अधिनियमाद्वारे व त्या अधिनियमान्वये आणि उक्त योजनेद्वारे व तदन्वये तरतूद केलेल्या लाभांपेक्षा एकंदरीत पाहता कमी फायदेशीर नाहीत, असे महाराष्ट्र शासनाचे मत झालेले आहे.

त्याअर्थी, आता, महाराष्ट्र खाजगी सुरक्षा रक्षक (नोकरीचे नियमन व कल्याण) अधिनियम, १९८१ याच्या कलम २३ अन्वये प्रदान केलेल्या अधिकारांचा वापर करून महाराष्ट्र शासन याद्वारे उक्त अधिनियमाच्या व उक्त योजनेच्या सर्व तरतुदींच्या अंमलबजावणीतून उक्त खाजगी सुरक्षा रक्षकांना, यासोबत जोडलेल्या अनुसूची-२ मध्ये विनिर्दिष्ट केलेल्या शर्तीच्या अधीन राहून, **राजपत्रात** ही अधिसूचना प्रसिद्ध केल्याच्या दिनांकापासून तीन वर्षांच्या कालावधीसाठी सूट देत आहे.

अनुसूची १

अ.क्र. (१)	सुरक्षा रक्षकाचे नाव (२)	वर्ग (३)	मुख्य मालकाचे नाव (४)
१	श्रीकृष्ण दिवाकर पिंपरकर	सुरक्षा रक्षक	मे. एन. आर. बी. बेअरींग लि., सी-६, ॲड्रीशनल एमआयडीसी, जालना.
२	निवृत्ती कारभारी मोकाटे	सुरक्षा रक्षक	—,,—
३	अहमद अबदुलभाई पठाण	सुरक्षा रक्षक	—,,—
४	धुराजी महादु बनसोडे	सुरक्षा रक्षक	—,,—
५	मिलींद रत्नाकरराव देशपांडे	सुरक्षा रक्षक	—,,—
६	माधव गोविंदराव घोटाळे	सुरक्षा रक्षक	—,,—
७	संदीप रामदास सातपुते	सुरक्षा रक्षक	—,,—
८	शिवचंद बाबुलाल परदेशी	सुरक्षा रक्षक	—,,—
९	भागीनाथ किसनराव तांगडे	सुरक्षा रक्षक	—,,—
१०	दिलीप काशिनाथ लिंगायत	सुरक्षा रक्षक	—,,—
११	सिताराम सांडुजी वाघ	सुरक्षा रक्षक	—,,—
१२	संजीव विठ्ठलराव महिंद्रे	सुरक्षा रक्षक	—,,—
१३	गणेश पुंजाराम गिरी	सुरक्षा रक्षक	—,,—
१४	व्यंकट नाथाजी डोईफोडे	सुरक्षा रक्षक	—,,—
१५	किसन पांडुरंग कोमटे	सुरक्षा रक्षक	—,,—
१६	सुरेश तुळशीराम कत्रे	सुरक्षा रक्षक	—,,—
१७	कैलास दामोदर सातदिवे	सुरक्षा रक्षक	मे. जे. के. अन्सल लि., वाळुंज, औरंगाबाद
१८	राजू एकनाथ घोडे	सुरक्षा रक्षक	—,,—
१९	प्रमोद किसन खरात	सुरक्षा रक्षक	—,,—
२०	उमाशंकर गुणई भारती	सुरक्षा रक्षक	—,,—
२१	जियाराम भृगुनाथ दुबे	सुरक्षा रक्षक	—,,—
२२	गोविंद विठ्ठल ताराळकर	सुरक्षा रक्षक	—,,—
२३	नागनाथ वामनअप्पा नागझरे	सुरक्षा रक्षक	—,,—
२४	अनिल बळवंत निर्गुणकर	सुरक्षा रक्षक	—,,—
२५	शेषराव हिरामन पवार	सुरक्षा रक्षक	—,,—
२६	अनिता विलास गोविंद	सुरक्षा रक्षक	—,,—
२७	अर्जुन कचरू लोखंडे	सुरक्षा रक्षक	—,,—
२८	संजय संतोष भालेराव	सुरक्षा रक्षक	—,,—
२९	दादासाहेब संपतराव हिवाळे	सुरक्षा रक्षक	—,,—
३०	दिलीप भाऊराव शेजवळ	सुरक्षा रक्षक	—,,—
३१	ज्ञानेश्वर गणपतराव वाघमारे	सुरक्षा रक्षक	—,,—

अनुसूची १-समाप्त.

(१)	(२)	(३)	(४)
३२ सुभाष लक्ष्मण हिरे	सुरक्षा रक्षक	मे. एन.आर.बी. बेअरिंग लि., वाळुंज, औरंगाबाद	
३३ लक्ष्मी नारायण सिंग	सुरक्षा रक्षक	—,,—	
३४ गंगाधर महादजी काळे	सुरक्षा रक्षक	—,,—	
३५ सुभाष शिवमूर्ती यादव	सुरक्षा रक्षक	—,,—	
३६ राचप्पा धुळप्पा साखरे	सुरक्षा रक्षक	—,,—	
३७ राजू निवृत्ती गोविंदे	सुरक्षा रक्षक	—,,—	
३८ अजयकुमार महानंद यादव	सुरक्षा रक्षक	—,,—	
३९ श्रीराम सोमला चव्हाण	सुरक्षा रक्षक	—,,—	
४० विनायक श्रावण काकडे	सुरक्षा रक्षक	—,,—	
४१ राम नारायण पवार	सुरक्षा रक्षक	—,,—	
४२ पंजाबराव नामदेव बोर्डे	सुरक्षा रक्षक	—,,—	
४३ गणपत पांडुरंग शेळके	सुरक्षा रक्षक	—,,—	
४४ धोंडिबा विठ्ठल वाबळे	सुरक्षा रक्षक	—,,—	
४५ बालाजी विठ्ठलराव भाले	सुरक्षा रक्षक	—,,—	
४६ विजय नानाजी रुद्राक्षवार	सुरक्षा रक्षक	—,,—	
४७ माणिक बिबिशन नागरगोजे	सुरक्षा रक्षक	—,,—	
४८ नारायण श्रीपती ठोंबरे	सुरक्षा रक्षक	—,,—	
४९ दिपेंद्र खडानंद कंडेल	सुरक्षा रक्षक	मे. एन.आर.बी. बेअरिंग लि., चिखलठाणा, औरंगाबाद.	
५० बाबासाहेब भावराव शिंदे	सुरक्षा रक्षक	—,,—	

टीप.—महाराष्ट्र शासन या सुरक्षा रक्षकांबाबत कोणत्याही प्रकारची हमी घेत नाही. मुख्य मालक स्वतःच्या जबाबदारीवर सुरक्षा रक्षकांना कामे देऊ शकतात.

अनुसूची २

मालक एजन्सीने व मुख्य मालकांनी पाळावयाच्या शर्ती

१. **पोलीस तपासणी.**— सुरक्षा रक्षकांच्या तसेच एजन्सीच्या मालकांच्या पूर्वइतिहासाबाबत पोलीस पडताळणी दाखला तसेच एजन्सीकडे केंद्र शासनाच्या खाजगी सुरक्षा एजन्सी (नियमन) कायदा, २००५ अंतर्गत परवाना असणे आवश्यक असेल.

२. **प्रशिक्षण.**— सुरक्षा रक्षकांना नियुक्त करण्यापूर्वी पुरेसे प्रशिक्षण देणे आवश्यक असेल.

३. **शैक्षणिक, शारीरिक आणि इतर पात्रता.**— सुरक्षा रक्षकांची शैक्षणिक व शारीरिक पात्रता पुढीलप्रमाणे असेल :—

किमान शैक्षणिक पात्रता.— इयत्ता ८ वी उत्तीर्ण.

शारीरिक पात्रता.— (अ) (१) उंची - १६२ सें.मी.

(२) वजन - ५० किलो

(३) छाती - न फुगवता - ७९ सें.मी.

फुगवून - ८४ सें.मी.

(४) नजर - दृष्टी चष्मा असल्यास, नंबर जास्त नसावा.

(ब) आदिवासी उमेदवारांना उंचीमध्ये ५ सें.मी. व छातीमध्ये २ सें.मी. ची सवलत देण्यात यावी.

४. **लाभ.**— सुरक्षा रक्षकांना पुढील लाभ मिळतील :—

(अ) गणवेश प्रत्येक वर्षाला २ जोड.

(ब) चामडी बूट प्रत्येक वर्षात १ जोड.

(क) पावसाळी व हिवाळी गणवेश— (२ वर्षातून एकदा) रेनकोट, ट्राऊझर, टोपी, वूलन कोट व पॅट.

५. **वेतन व इतर कायदेशीर सवलती.**— सूट दिलेल्या सुरक्षा रक्षकाने राष्ट्रीयीकृत बँकेमध्ये आपले खाते उघडावे व मालक एजन्सीने मुख्य मालकाकडे तैनात केलेल्या सुरक्षा रक्षकांच्या देय वेतनाच्या रकमेइतका रेखांकित धनादेश ७ तारखेपर्यंत वैयक्तिकरीत्या सुरक्षा रक्षकास द्यावा. सुरक्षा रक्षकास दिलेल्या वेतनाबाबतचे सविस्तर तपशील नमुना “क” मधील विवरणपत्रामध्ये भरून सुरक्षा रक्षक मंडळास दर महिन्याच्या १० तारखेपर्यंत पाठवावे. मालक एजन्सीने खाली दर्शविल्याप्रमाणे लाभ सुरक्षा रक्षकांना द्यावेत :—

सानुग्रह अनुदान : वेतनाच्या १० टक्के

उपदान : वेतनाच्या ४ टक्के

भरपगारी रजा : वेतनाच्या ६ टक्के

भरपगारी सुट्टी : वेतनाच्या १ टक्का

सुरक्षा रक्षकांना लागू असलेल्या भविष्यनिर्वाह निधी व कामगार राज्य विमा योजना यांच्या वजाती मालक एजन्सीने परस्पर संबंधित प्राधिकरणाकडे जमा कराव्यात आणि त्यांचे चलन माहितीसाठी मंडळास सादर करावे. मालक एजन्सीने भरणा केलेल्या भविष्यनिर्वाह निधी व कामगार राज्य विमा योजनेच्या वजातीबाबतच्या पावत्या/चलन सुरक्षा रक्षकांना नियमितपणे देऊन त्या संदर्भातील एकत्रित तपशील शासनास, कामगार आयुक्त कार्यालयास व सुरक्षा रक्षक मंडळास प्रत्येक ६ महिन्यांनी सादर करावा, असे न केल्यास मालक एजन्सीला जबाबदार धरून दिलेली सूट रद्द करण्यात येईल.

६. **अतिकालिक भत्ता.**— सुरक्षा रक्षकांना मिळणारा अतिकालिक भत्ता हा मंडळाने नोंदीत सुरक्षा रक्षकांसाठी निश्चित केलेल्या वेतन दराच्या दुप्पट दरापेक्षा कमी नसावा, याबाबत संबंधित मुख्य मालकाची अंतिम जबाबदारी राहिल.

सुरक्षा रक्षकांना देय वेतन व लाभ देणे मुख्य मालकांची जबाबदारी असून मुख्य मालकाने त्यांच्याकडे तैनात करण्यात आलेल्या सुरक्षा रक्षकांना अधिनियम आणि योजनेतील तरतुदीनुसार वेतन व लाभ मिळत आहेत याची खात्री करून घेणे बंधनकारक असेल.

७. **विवरणपत्र सादर करणे.**— (अ) **त्रैमासिक विवरणपत्र.**— मालक एजन्सीने सुरक्षा रक्षकांच्या नियुक्तीबाबतचे त्रैमासिक विवरणपत्र प्रत्येक त्रैमासिकाच्या (जानेवारी, एप्रिल, जुलै व ऑक्टोबर महिन्याच्या) पहिल्या आठवड्यात सोबत जोडलेल्या नमुना “अ” मध्ये शासन, कामगार आयुक्त आणि सुरक्षा रक्षक मंडळास सादर करावे.

(ब) सहामाही विवरणपत्र.— (१) नियुक्त केलेल्या, नोकरी सोडून गेलेल्या आणि नव्याने भरती केलेल्या सुरक्षा रक्षकांबाबतचे विवरणपत्र दर ६ महिन्यांनी सोबत जोडलेल्या नमुना “ ब ” मध्ये शासन, कामगार आयुक्त आणि सुरक्षा रक्षक मंडळ यांना एजन्सीने सादर करावे.

(२) भविष्यनिर्वाह निधी व राज्य कामगार विमा योजनेची वर्गणी एजन्सीने नियमित भरून संबंधित सुरक्षा रक्षकांना त्यासंबंधी वेळोवेळी पावत्या द्याव्यात व दर सहा महिन्यात तसे केल्याबाबतचा अहवाल शासनास, कामगार आयुक्त व सुरक्षा रक्षक मंडळास द्यावा.

(३) यापूर्वीच्या भविष्यनिर्वाह निधीच्या रकमा व राज्य कामगार विमा योजनेची वर्गणी भरल्याबाबतचा पुरावा शासनाकडे सदर अधिसूचना निर्गमित झाल्यापासून तीन महिन्यांच्या आत सादर करावा. अन्यथा संबंधित सुरक्षा रक्षकांना देण्यात आलेली सूट रद्द करण्यात येईल.

(क) वार्षिक विवरणपत्र.— प्रत्येक मालक एजन्सीने, सनदी लेखापाल यांनी प्रमाणित केलेले वार्षिक विवरणपत्र सोबत जोडलेल्या नमुना “ ड ” मध्ये दरवर्षी ३० जून पर्यंत शासनास तसेच मंडळास सादर करावे. ज्यात एजन्सीने भरलेला आयकर, सुरक्षा रक्षकांचा जमा केलेला भविष्य निर्वाह निधी व कामगार राज्य विमा याबाबतच्या चलानाच्या प्रती व इतर तपशील असेल.

८. एजन्सीची व सूट प्राप्त सुरक्षा रक्षकांची मंडळाकडे नोंदणी.— अधिसूचनेच्या दिनांकापासून एक महिन्याच्या कालावधीत उक्त मंडळाकडे महाराष्ट्र खाजगी सुरक्षा रक्षक (नोकरीचे नियमन व कल्याण) योजना, २००२ च्या खंड १३(२) व १४(३) मधील तरतुदीनुसार एजन्सीजने स्वतःची मालक म्हणून आणि त्यांच्याकडील सूट प्राप्त सुरक्षा रक्षकांची विहित नमुन्यातील अर्ज व शुल्क भरून मंडळात नोंदणी करून घ्यावी.

९. एजन्सीच्या मुख्य मालकांची मंडळाकडे नोंदणी.— सूट प्राप्त सुरक्षा रक्षकांच्या एजन्सीमार्फत सुरक्षा रक्षक नियुक्त करणाऱ्या मुख्य मालकाने अधिसूचनेच्या दिनांकापासून १५ दिवसांचे आत योजनेच्या खंड १३(१)(अ) अन्वये स्वतःची मंडळात विहित नमुन्यातील अर्ज व शुल्क भरून नोंदणी करून घ्यावी.

१०. नोंदणी शुल्क.— एजन्सीने तसेच सूट प्राप्त सुरक्षा रक्षकाने मंडळाकडे नोंदणी करतेवेळी महाराष्ट्र खाजगी सुरक्षा रक्षक (नोकरीचे नियमन व कल्याण) योजना, २००२ च्या खंड १७ मधील तरतुदीनुसार मंडळाकडे विहित कालावधीत आवश्यक ते नोंदणी शुल्क भरले पाहिजे.

११. नोंदणीकृत कार्यालय.— एजन्सीचे नोंदणीकृत कार्यालय असावे आणि त्याबाबतची माहिती एजन्सीने शासन, कामगार आयुक्त व मंडळास द्यावी. नोंदणीकृत कार्यालयाचा पत्ता बदलल्यास अथवा एजन्सीच्या नावात बदल झाल्यास १५ दिवसांचे आत बदलाबाबतच्या आवश्यक त्या कागदोपत्री पुराव्यासह शासनास व मंडळास कळवावे, जेणेकरून शासन सुधारित अधिसूचना जारी करील. सुधारित अधिसूचना जारी झाल्यानंतर मंडळ झालेल्या बदलांची नोंद घेईल.

१२. सुरक्षा रक्षकांची नियुक्ती.— उक्त मंडळाकडे ज्या मुख्य मालकांची नोंदणी झाली आहे आणि/किंवा जे उक्त मुख्य मालक मंडळाच्या सुरक्षा रक्षकांच्या सेवेचा लाभ घेत आहेत अशा मुख्य मालकांकडे एजन्सी त्यांचेकडील सुरक्षा रक्षक नेमणार नाही. अशा प्रकारे सुरक्षा रक्षक नेमल्यास मालक एजन्सीला जबाबदार धरून दिलेली सूट रद्द करण्यात येईल.

१३. ओळखपत्र व हजेरी कार्ड देणे.— खाजगी सुरक्षा रक्षक एजन्सी त्यांचेकडील सुरक्षा रक्षकांना व अधिकाऱ्यांना नियुक्त केल्यापासून ३० दिवसांच्या आत ओळखपत्र व हजेरीकार्ड देईल.

१४. कायदेशीर देणी अदा करणे.— सुरक्षा रक्षक ज्यावेळी एजन्सीची नोकरी सोडतील, त्या वेळी त्यांना देय असलेली सर्व कायदेशीर देणी (उपदान व इतर कायदेशीर देणी) एजन्सीने अदा करून त्याबाबत झालेल्या व्यवहारांच्या प्रती मंडळाकडे सादर करणे एजन्सीला बंधनकारक राहील.

१५. एकावेळी एकाच मुख्य मालकाकडे नोकरी.— सुरक्षा रक्षक एकावेळी एकापेक्षा अधिक मुख्य मालकाकडे काम करणार नाही. याबाबत प्रत्येक सुरक्षा रक्षक एजन्सीने खात्री करून घेतली पाहिजे.

१६. एखाद्या सुरक्षा रक्षकास त्याच्या निवासस्थानापासून ५० कि.मी. पेक्षा अधिक अंतरावर काम करण्यासाठी पाठविल्यास मालक एजन्सीने त्याच्या एकूण वेतनाच्या २० टक्के रक्कम त्याला भत्ता म्हणून द्यावी.

१७. सुरक्षा रक्षकांच्या फायद्यांसंदर्भात शासनाने किंवा मंडळाने भविष्यकाळात घातलेल्या अटी व शर्तीचे पालन करणे एजन्सीला, तसेच मुख्य मालकाला बंधनकारक राहील.

१८. मालक एजन्सीने त्यांच्या सुरक्षा रक्षकांना सूट प्राप्त झाल्यानंतर, सुरक्षा रक्षकांच्या वेतनाच्या ३ टक्के एवढी लेव्ही दरमहा १० तारखेपर्यंत मंडळास देय राहील. सदर लेव्ही अधिसूचना निर्गमित झाल्याच्या दिनांकापासून १ महिन्याच्या आत मंडळाकडे जमा करणे अनिवार्य राहील.

मंडळाने विनिर्दिष्ट केलेल्या कालमर्यादेत लेव्हीची रक्कम भरण्यात जे नियोक्ता अभिकरण सातत्याने कसूर करील ते नियोक्ता अभिकरण मंडळाने भरणा करण्यास निर्धारित केलेल्या रकमेच्या १० टक्क्यांहून अधिक असणार नाही इतका अधिभार दंडाच्या रुपाने मंडळाकडे भरील.

१९. मालक एजन्सीमार्फत सुरक्षा रक्षक नियुक्त करणाऱ्या मुख्य मालकाने करार संपुष्टात आल्यानंतर वा इतर कोणत्याही कारणामुळे सुरक्षा रक्षकांची सेवा घेणे बंद केले असल्यास सेवा खंडीत केल्याच्या दिनांकापासून ७ दिवसांच्या आत अशा मुख्य मालकाची व तेथून कमी केलेल्या सुरक्षा रक्षकांची नावे व तपशील मालक एजन्सी मंडळास सादर करील. अशा मुख्य मालकाची अधिसूचनेनुसार घेतलेली मंडळातील नोंदणी रद्द होईल. तसेच मालक एजन्सीकडून नोकरी सोडून गेलेल्या सुरक्षा रक्षकांची नावे व तपशील मालक एजन्सी मंडळास व नजीकच्या पोलीस ठाण्यास ७ दिवसांच्या आत सादर करील. अशाप्रकारे नोकरी सोडून गेलेल्या सुरक्षा रक्षकांची नोंदणी मंडळ रद्द करील.

२०. मुख्य मालकाकडून सुरक्षा रक्षकांच्या कामाच्या मोबदल्यापोटी एजन्सीकडे जमा होणाऱ्या रकमेपैकी, मंडळाने सुरक्षा रक्षकांच्या वेतनापोटी निश्चित केलेली रक्कम तसेच सर्व वैधानिक रकमा जसे भविष्यनिर्वाह निधी, कामगार राज्य विमा योजना, बोनस प्रदान, रजा वेतन, राष्ट्रीय सुट्ट्यांचे वेतन यांसाठी विनियमित केले जाईल निदान इतकी रक्कम किंवा मुख्य मालकाने एजन्सीला अदा केलेल्या रकमेच्या ५६ टक्के इतकी रक्कम किंवा यापैकी जी अधिक असेल ती सुरक्षा रक्षक एजन्सीनी सुरक्षा रक्षकांना अदा करणे आवश्यक आहे.

२१. सुरक्षा रक्षकांना साप्ताहिक सुट्टी उपभोगण्याकरिता कार्यमुक्त करणाऱ्या सुरक्षा रक्षकांचे वेतन मुख्य मालक एजन्सीला अदा करील. हे वेतन यथा प्रमाण पद्धतीवर आधारित असेल व ही रक्कम मूळ वेतनाच्या १०% अथवा जी अधिक असेल इतकी असेल.

२२. सुरक्षा रक्षक मंडळामध्ये जमा करावयाची लेव्ही, सुरक्षा रक्षकांच्या प्रशिक्षणासाठीचा खर्च, देखरेखीवरील खर्च, तसेच एजन्सीचा प्रशासकीय खर्च व नफा या सर्व गोष्टींचा खर्च हा मुख्य मालकाने एजन्सीकडे जमा केलेल्या एकूण रकमेच्या ३०% रकमेपेक्षा जास्त नसावा.

२३. उपरोक्त अनिवार्य लादलेल्या खर्चावर नियमानुसार सेवाकर आकारला जाईल व सेवाकर त्या त्या वेळी अंमलात असलेल्या दरानुसार असेल.

२४. या व्यतिरिक्त सुरक्षा रक्षकांना गणवेश दिला जाईल व त्यासाठी ४% रक्कम दरवर्षी राखीव ठेवण्यात येईल.

२५. सुरक्षा रक्षकांना त्यांचे वेतन पुढील महिन्याच्या सात तारखेपर्यंत देण्यात यावे.

वरीलपैकी कोणत्याही शर्तीचे मालक एजन्सीने उल्लंघन केल्यास त्यांना देण्यात आलेली सूट रद्द करण्यात येईल किंवा काढून टाकण्यात येईल.

अटी, शर्ती व नियमांचे तंतोतंत पालन होण्याबाबतची जबाबदारी मुख्य मालकाची असेल. अधिसूचनेतील तरतुदीनुसार सुरक्षा रक्षकांना एजन्सीने फायदे दिले नसल्यास सूट प्राप्त सुरक्षा रक्षकांना सदर फायदे देण्याची जबाबदारी मुख्य मालकाची असेल.

नमुना ' अ '

सुरक्षा रक्षक एजन्सीने सादर करावयाचे त्रैमासिक विवरणपत्र

महिन्यांचे त्रैमासिक विवरणपत्र :

दिनांक :

जानेवारी-मार्च,

एप्रिल-जून,

जुलै-सप्टेंबर,

ऑक्टोबर-डिसेंबर.

एजन्सीचे नाव व पत्ता :

अधिसूचना क्रमांक व दिनांक :

एजन्सीचा मंडळातील नोंदणी क्रमांक :

अनु- क्रमांक (१)	मुख्य मालकाचे नाव व पत्ता (२)	सुरक्षा रक्षकांच्या नियुक्तीचे ठिकाण (३)	सुरक्षा रक्षकांचे नाव व वर्ग (४)
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प्राधिकृत स्वाक्षरीकर्ता,

(नाव व हुद्दा).

नमुना ' ब '

सुरक्षा रक्षक एजन्सीने सादर करावयाचे सहामाही विवरणपत्र

विवरणपत्राचा कालावधी : जानेवारी ते जून/जुलै ते डिसेंबर

दिनांक :

एजन्सीचे नाव व पत्ता :

अधिसूचना क्रमांक व दिनांक :

एजन्सीचा मंडळातील नोंदणी क्रमांक :

अ. क्र.	मुख्य मालकाचे नाव व पत्ता	नियुक्त केलेल्या सुरक्षा रक्षकांची वर्गनिहाय एकूण संख्या	सुरक्षा रक्षक एजन्सी सोडून गेलेल्या सुरक्षा रक्षकांची वर्गनिहाय संख्या	नव्याने भरती झालेल्या सुरक्षा रक्षकांची वर्गनिहाय संख्या
(१)	(२)	(३)	(४)	(५)

प्राधिकृत स्वाक्षरीकर्ता,

(नाव व हुद्दा).

नमुना 'क'

एजन्सीने वेतन प्रदानाबाबत सुरक्षा रक्षक मंडळास सादर करावयाचे विवरणपत्र

वेतन प्रदानाचा महिना :

मुख्य मालकाचे नाव व पत्ता :

बँकेचे नाव (शाखा व पत्ता) :

अनु- क्रमांक	सुरक्षा रक्षकाचे नाव	धनादेश क्रमांक व दिनांक	रक्कम
(१)	(२)	(३)	(४)

प्राधिकृत स्वाक्षरीकर्ता,

(नाव व हुद्दा).

नमुना 'ड'

सुरक्षा रक्षक एजन्सीने सादर करावयाचे वार्षिक विवरणपत्र

वार्षिक विवरणपत्राचे आर्थिक वर्ष :

दिनांक :

एजन्सीचे नाव व पत्ता :

अधिसूचना क्रमांक व दिनांक :

एजन्सीचा मंडळातील नोंदणी क्रमांक :

अ. क्र.	महिने (एप्रिल ते मार्च)	नियुक्त केलेल्या सुरक्षा रक्षकांची संख्या	सुरक्षा रक्षकांना अदा केलेले एकूण वेतन	भविष्य निर्वाह निधी ज्यावर कपात केली आहे असे वेतन	मंडळाकडे जमा केलेली ३ टक्के लेव्ही रक्कम
(१)	(२)	(३)	(४)	(५)	(६)

प्राधिकृत स्वाक्षरीकर्ता,

(नाव व हुद्दा).

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

सं. धों. डगळे,

कार्यासन अधिकारी.

In pursuance of Clause (3) of Article 348 of the Constitution of India, the following translation in English of the Government Notification, Industries, Energy and Labour Department, No. SGA. 2014/CR-2/LAB-2, dated the 26th May 2014 is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. G. ASWALE,
Joint Secretary to Government.

INDUSTRIES, ENERGY AND LABOUR DEPARTMENT

Hutatma Rajguru Chowk, Madam Cama Road,
Mantralaya, Mumbai 400 032, dated the 26th May 2014

NOTIFICATION

MAHARASHTRA PRIVATE SECURITY GUARDS (REGULATION OF EMPLOYMENT AND WELFARE) ACT, 1981.

No. SGA.2014/C.R. 2/LAB-2.— Whereas, certain Security Gaurds whose names are mentioned in Column (2) of Schedule I appended hereto (hereinafter referred to as “the said Security Guards”), employed with the 1 Principal Employer mentioned in Column (4) of the said Schedule I, employed by M/s. Loyal Security Force (India), 10, Light House, Shivaji Nagar, Thane (W.), (Aurangabad and Jalana Dist.) and owner Shri Ramashray Rammanorath Dubey, have applied for grant of exemption, under Section 23 of the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981 (Mah. LVIII of 1981) from the operation of all provisions of the said Act and the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Scheme, 2002 (hereinafter referred to as “the said Scheme”) ;

And Whereas, the Government of Maharashtra, after consultation with the Advisory Committee and after verification of the benefits enjoyed by the said Security Guards is of the opinion that they are in enjoyment of benefits, which are on the whole not less favourable to them than the benefits provided by and under the said Act and the said Scheme ;

Now, therefore, in exercise of powers conferred by Section 23 of the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981, the Government of Maharashtra hereby exempts the said Security Guards from operations of all provisions of the said Act and the said Scheme, for a period of three years from the date of publication of this notification in *Official Gazette*, subject to conditions specified in Schedule II appended hereto :—

Schedule-I

Sr. No.	Name of Security Guards	Class	Name and address of Principal Employer
(1)	(2)	(3)	(4)
1	Shrikrushna Divakar Pimparkar	Security Guard	M/s. N.R. B. Bering Ltd., C-6, Additional MIDC, Jalana.
2	Nivruti Karbhari Mokate	Security Guard	—,—
3	Ahemad Abdulbhai Pathan	Security Guard	—,—
4	Duraji Mahadu Bansode	Security Guard	—,—
5	Milid Ratnakarrao Deshpande	Security Guard	—,—
6	Mahadev Govindrao Ghotale	Security Guard	—,—
7	Sandip Ramdas Satpute	Security Guard	—,—
8	Shivchand Babulal Pardeshi	Security Guard	—,—
9	Bhaginath Kisanrao Tangde	Security Guard	—,—
10	Dilip Kashinath Ligayat	Security Guard	—,—
11	Sitaram Sanduji Wagh	Security Guard	—,—
12	Sanjiv Vitthalrao Mahindre	Security Guard	—,—
13	Ganesh Punjaram Giri	Security Guard	—,—
14	Vyankat Nathaji Doifode	Security Guard	—,—
15	Kisan Pandurang Komte	Security Guard	—,—
16	Suresh Tulshiram Katre	Security Guard	—,—

Schedule I—Contd.

(1)	(2)	(3)	(4)
17	Kailas Damodar Satdive	Security Guard	M/s. J.K. Ansel Ltd., Walunj, Aurangabad.
18	Raju Eknath Ghode		
19	Pramod Kisan Kharat	Security Guard	—,,—
20	Umashankar Gunai Bharati	Security Guard	—,,—
21	Jiyaram Bhrigunath Dube	Security Guard	—,,—
22	Govind Vitthal Taralkar	Security Guard	—,,—
23	Nagnath Vamanappa Nagzare	Security Guard	—,,—
24	Anil Balvant Nirgunkar	Security Guard	—,,—
25	Shashrao Hiranman Pawar	Security Guard	—,,—
26	Anita Vilas Govind	Security Guard	—,,—
27	Arjun Kacharu Lokhande	Security Guard	—,,—
28	Sanjay Santosh Bhalerao	Security Guard	—,,—
29	Dadasaheb Sampatrao Hivale	Security Guard	—,,—
30	Dilip Bhaurao Shejval	Security Guard	—,,—
31	Dnyaneshwar Ganapatrao Waghmare.	Security Guard	—,,—
32	Subhash Laxman Hire	Security Guard	M/s. N.R. B. Bering Ltd., Walunj, Aurangabad.
33	Lakshimi Narayan Singh	Security Guard	—,,—
34	Gangadhar Mahadaji Kale	Security Guard	—,,—
35	Subhash Shivmurti Yadav	Security Guard	—,,—
36	Rachappa Dulappa Sakhare	Security Guard	—,,—
37	Raju Nivruti Govinde	Security Guard	—,,—
38	Ajaykumar Mahanand Yadav	Security Guard	—,,—
39	Shriram Somala Chavan	Security Guard	—,,—
40	Vinayak Shravan Kakade	Security Guard	—,,—
41	Ram Narayan Pawar	Security Guard	—,,—
42	Panjabrao Namdev Borde	Security Guard	—,,—
43	Ganpat Pandurang Shelake	Security Guard	—,,—
44	Dhondiba Vitthal Babale	Security Guard	—,,—
45	Balaji Vitthalrao Bhale	Security Guard	—,,—
46	Vijay Nanaji Rudrakshvar	Security Guard	—,,—
47	Manik Bibishan Nagargoje	Security Guard	—,,—
48	Narayan Shripati Thombare	Security Guard	—,,—
49	Dipendra Khadanand Kandel	Security Guard	M/s. N.R. B. Bering Ltd., Chikhalthana, Aurangabad.
50	Babasaheb Bhavao Shinde	Security Guard	—,,—

Note.—Government of Maharashtra does not take guarantee of any sort as regards to Security Guards. Principal Employers can employ these Private Security Guards at their own risk.

*Schedule II***Conditions to be followed by the Employer Agency and Principal Employer**

1. *Police Verification.*—Police Verification Certificates regarding antecedent of the guards as well as the employer of such guard is necessary. Licence under the Private Security Agency (Regulation) Act, 2005 is also compulsory on the part of Employer Agency.

2. *Training.*—Adequate training shall be imparted to the Security Guards before they are deployed.

3. *Educational Qualifications, Physical Fitness and other requirements.*—Educational, physical and other requirements for the Security Guards shall be as follows :—

Minimum Educational Qualification : 8th Standard Passed.

Physical Requirements.— (A) (1) Height — 162 c.m.

(2) Weight — 50 kg.

(3) Chest — 79 c.m. (Without Expansion) and 84 cm. (On Expansion)

(4) Sight — If wearing glasses, the glass should not have excess number.

(B) In case of tribal candidates, there will relaxation of 5 c.m. in height and 2 c.m. in chest.

4. *Benefits.*—Benefits for Security Guards shall be as follows :—

(a) *Uniform* : Two pairs in a year.

(b) *Shoes* : One pair of leather shoes in a year.

(c) *Rainy and Winter Uniform* :— (Once in two years) Raincoat, Trousers and Cap, Woollen Coat and Pant.

5. *Wages and other statutory Benefits.*—Exempted Security Guard shall open his account in a Nationalised Bank and agency shall give crossed cheque to each Security Guard equivalent to his earned wages by 7th of every month. Statement showing details of wages paid in Form “C” shall be submitted to the Security Guards Board by 10th of every month.

The Agency shall give the following benefits to the Security Guards :—

Ex-Gratia : 10% of wages

Gratuity : 4% of wages

Leave with wages : 6% of wages

Paid Holidays : 1% of wages.

Contribution to be deposited with the Competent Authorities in respect of various statues such as Provident Fund, E.S.I. etc. applicable to the Principal Employer, shall be deposited by the Agency with such authority and challan thereof be submitted to the Board for information. The Security Guards Agency should give regular receipt to the Guard and submit a consolidated report of the abovesaid transactions to the Government, the Commissioner of Labour and the Security Guards Board every six months. In case of default, the Agency shall be held responsible and shall be liable for cancellation of exemption.

6. *Overtime Allowance.*—Overtime Allowance should not be less than double the rates of wages existing at that time on the analogy of the Security Guards deployed by the Security Guards Board. The ultimate responsibility in this respect lies on the concerned Principal Employer.

It is the responsibility of the Principal Employer to pay wages and provide benefits to the Security Guards. The Principal Employer, in turn, shall ensure that the guards deployed at his establishment are getting wages and benefits not less favourable than those available under the Scheme.

7. *Filling of Returns*—(a) *Quarterly Return.*—Agency to submit quarterly return to the Government, the Commissioner of Labour and Board in the first week of first month of the quarter (January, April, July and October) in respect of employment of Security Guards in Form “A” appended hereto.

(b) *Half Yearly Return.*—(1) Half Yearly Return in Form “B” appended hereto shall be submitted by the Agency in respect of Guards engaged, who have left and newly recruited to the Government, the Commissioner of Labour and Board.

(2) The Security Guard Agency should make regular contribution of employees' Provident Fund and ESIC of the concerned Security Guards and give regular Receipts to the guard and submit a consolidated report of the above said transaction to the Government, the Commissioner of Labour and the Security Guards Board every six months.

(3) The Security Guard Agency should submit proof of the previous contributions of employees' Provident Fund and ESIC within a period of three months from the date of publication of this Notification to the Government. Otherwise, the exemption given to the concerned Security Guards will be cancelled.

(c) *Annual Return.*—Every Agency shall submit at Annual Return of Income Tax, P.F., E.S.I. duly certified by Chartered Accountant, in Form-D on or before 30th of June of every year to the Government and the Board, along with copies of challans and other details.

8. *Enrollment of the Agency with the Board.*—The Agency should get itself enroll with the Board according to the provisions of Clause 13(2) of the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Scheme, 2002, as an employer agency and shall register exempted Security Guards under Clause 14(3) of the Scheme applying in the Form devised by the Board by paying prescribed registration fee within a period of one month from the date of issuance of this Notification.

9. *Registration of Principal Employer of Employer Agency.*—The Principal Employer who is engaging exempted Security Guards of the agency shall get register with the Board as provided under Clause 13(1)(a) of the Scheme within 15 days from date of exempted Notification, applying in the Form devised by the Board by paying prescribed registration fee.

10. *Enrollment fees.*—While getting itself registered with the Board, the Agency should pay Registration Fee to the Board as per clause 17 of Maharashtra Private Security Guards (Regulation of Employment and Welfare), Scheme 2002 within stipulated time.

11. *Registered Office.*—Every Agency shall have registered office which shall be notified to the Government, Commissioner of Labour and the Board. In case of change in address or change in name, the same shall be informed to the Government and to the Board alongwith documentary proof thereof within a period of 15 days from such change, so as to Government can issue Notification in respect thereof. Board shall take note of such changes after issuance of the Notification.

12. *Allotment of Guards.*—The Agency shall not allot their Security Guards to such Principal Employers who are registered with the Board. If agency deploys its Security Guards to such Principal Employer in that case exemption will be cancelled.

13. *Issue of Identity Cards/Attendance Card.*—Every Agency shall issue identity card, attendance card to Security Guards and Officers engaged and deployed by them.

14. *Payment of Legal Dues.*—Whenever a Security Guard leaves his job, it is obligatory on the part of the agency to pay all the legal dues to him and copy of the records thereof shall be submitted to the Board including gratuity and other legal dues.

15. *Employment with one principal Employer at a time.*—Every Agency shall also ensure that its Security Guards shall not work for more than one Principal Employer at a time.

16. If any Security Guard is asked to work beyond the radius of 50 kms. from his place of residence, the Employer Agency shall pay an allowance @ 20% of total emoluments of such Security Guard.

17. The Agency and Principal Employer is liable to abide with any other terms and conditions, which may be imposed in favour of Security Guard by the Government of Maharashtra or Board in future.

18. The exempted Security Guard Agency should pay levy @ 3% to the Board per month on wages paid to the Security Guards on or before 10th of every month. The agency should start paying such levy within the period of 1 month from the date of exemption Notification. The employer agency who persistently makes default in remitting the amount of 3% levy within the time limit specified as above, shall further pay by way of penalty, surcharge @ 10% of the amount to be remitted.

19. In case, the Principal Employer discontinues the exempted Security Guards due to expiry of agreement or due to any reason, in that case, the agency shall submit the details of such Principal Employers and the Security Guards to the Board within 7 days from such discontinuation. In such case the registration of the said Principal Employer shall stand cancelled. The agency shall also submit the details of Security Guards who have left the services due to any reason alongwith details of the Principal Employers to the Board and concerned Police Station within 7 (Seven) days. On receipt of the above details Board will cancel the registration of such exempted guards.

20. From the amount of the payment made by the Principal Employer to the Security Agency, the Security Guards will be paid at least an amount which has been fixed by the Board towards the wages and all the statutory benefits towards Provident Fund, E.S.I.C., Payment of Bonus, leave with wages, leave on national holidays etc. or the same shall be the amount equivalent to 56% of the gross payment made by the Principal Employer to the Security Agency, whichever is higher.

21. The Principal Employer will pay to the agency on a prorata basis for the reliever who would be relieving the Security Guard in case of his weekly off or the amount paid to the reliever shall be 10% of the basic wages, or whichever is higher.

22. The amounts of levy to be deposited to the Security Guards Board, the cost of training of the Security Guards, the cost of supervision, administration of profits of the agency the total cost of which will not exceed more than 30% of the total amount paid by the Principal Employer to the agency.

23. The Service Tax will be levied on the total mandatory cost mentioned herein above at the rate which is in force at any given point of time.

24. In addition to this uniform will be provided to the Security Guards. For this purpose an amount of 4% per annum should be delineate.

25. Wages of the Security Guards will be paid not later than 7th of every next month.

Breach of any of above conditions by the employer agency shall make employer agency liable for cancellation or revocation of the exemption granted under this notification.

It shall be the responsibility of the Principal Employer to see that the terms, conditions and rules are followed scrupulously and in case the agency fails to grant the benefits to the exempted Security Guards as per the conditions of Notification the Principal Employer will be held responsible to pay the same to the exempted Security Guards.

FORM 'A'

Quarterly Return to be filed by the Agency

Quarterly Return for the months

Date :

(January-March

April-June

July-September

October-December) :

Name and Address of the Agency :

Notification No. and Date :

Registration No. of Agency with the Board :

Serial Number	Number and Address of the Principal Employer	Location of Security Guards deployed	Name and Category of the Guards
(1)	(2)	(3)	(4)

Authorised Signatory,

(Name and Designation).

FORM 'B'

Half Yearly Return to be submitted by Security Guards Agency

Period of Return : January to June/

Date :

July to December

Name and Address of the Agency :

Notification No. and Date :

Registration No. of Agency with the Board :

Serial No.	Name and Address of Principal Employer	Total No. of Security Guards engaged Categorywise	No. of Security Guards who have left the Security Guards Agency Categorywise	Number of Security Guards Newly Recruited Categorywise
(1)	(2)	(3)	(4)	(5)

Authorised Signatory,

(Name and Designation).

FORM 'C'

Statement to be submitted to the Security Guards Board regarding disbursement of wages.

Disbursement of wages for the month of :

Name and Address of the Principal Employer :

Name of the Bank (Branch and Address) :

Serial No.	Name of the Security Guard	No. and Date of the Cheque	Amount
(1)	(2)	(3)	(4)

Authorised Signatory,

(Name and Designation).

FORM 'D'

Annual Return to be submitted by Security Guards Agency

Period of Annual Return :

Date :

Name and Address of the Agency :

Notification No. and Date :

Registration No. of Agency with the Board :

Serial No.	Months (April to March)	Total No. of Security Guard engaged	Total Wages Paid to the Security Guard	The Wages on which the P.F. Contribution is deducted	3% Levy Submitted to the Board
(1)	(2)	(3)	(4)	(5)	(6)

Authorised Signatory,

(Name and Designation).

By order and in the name of the Governor of Maharashtra,

S. D. DAGALE,
Section Officer.

१३६

मंगळवार, मे २७, २०१४/ज्येष्ठ ६, शके १९३६

उद्योग, ऊर्जा व कामगार विभाग

मादाम कामा रोड, हुतात्मा राजगुरु चौक, मंत्रालय, मुंबई ४०० ०३२,
दिनांक २७ मे २०१४.

अधिसूचना

महाराष्ट्र दुकाने व आस्थापना अधिनियम, १९४८.

क्रमांक एमएसए.०५/२०१४/प्र.क्र. १२४/कामगार-१०.— महाराष्ट्र दुकाने व आस्थापना अधिनियम, १९४८ (१९४८ चा मुंबई एकोणऐशी) (यात यापुढे ज्याचा “उक्त अधिनियम” असा उल्लेख करण्यात आलेला आहे) याच्या कलम ४च्या परंतुकाद्वारे प्रदान करण्यात आलेल्या अधिकारांचा वापर करून, महाराष्ट्र शासन याद्वारे, उक्त अधिनियमाच्या अनुसूची दोनमध्ये खालीलप्रमाणे सुधारणा करीत आहे:—

उक्त अधिनियमाच्या अनुसूची दोनमधील क्रमांक “६५४” नंतर खालील नोंदीचा समावेश करण्यात येईल :—

- “ ६५५ मे. बेस्ट सेलर रिटेल इंडिया प्रा. लि.,
प्लॉट नं. ८२/२९, लिंकिंग रोड,
सांताक्रुझ (प.), मुंबई ४०० ०५४.
- उक्त अधिनियमाच्या कलम ११, १४(१) व ३३(३) मधून खालील शर्तीच्या अधीन राहून :—
- (१) सदर सूट ही दिनांक ३१ मे २०१४ या एका दिवसासाठी (२४ तास) (म्हणजेच दिनांक ३० मे २०१४ च्या रात्री १२-०० वाजल्यानंतर ते दिनांक ३१ मे २०१४ च्या रात्री १२-०० वाजेपर्यंत या कालावधीकरिता) लागू राहील.
 - (२) प्रत्येक कर्मचार्यास सलग पाच तास काम केल्यावर एक तासाची विश्रांती देण्यात यावी. त्यासाठी कर्मचार्यांना आळीपाळीने काम देण्यात यावे.
 - (३) महिला कर्मचार्यांना सुरक्षेसह घरपोच मोफत वाहतुकीची सुविधा देण्यात यावी.
 - (४) कोणत्याही कर्मचार्यास त्याच्या अतिकालिक कामाबद्दल कलम ६३ मध्ये विहित केलेल्या दराने अधिक वेतन देण्यात यावे.
 - (५) सदर सूट ही संमतीपत्र दिलेल्या कामगारांपुरतीच मर्यादित राहील.

- (६) सदर सूट ही महाराष्ट्र दुकाने व आस्थापना अधिनियम, १९४८ पुरतीच मर्यादित आहे.
- (७) वरील अटी व शर्तीव्यतिरिक्त अधिनियमातील इतर तरतुदी आस्थापनेस यथास्थिती लागू राहतील.
- (८) वरीलपैकी कोणत्याही अटीचा व शर्तीचा भंग झाल्यास सूट आपोआप रद्द होईल. ”

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

अ. म. बाविस्कर,
कार्यासन अधिकारी.

In pursuance of Clause (3) of Article 348 of the Constitution of India, the following translation in English of the Government Notification, Industries, Energy and Labour Department, No. MSA.05/2014/CR-124/LAB-10, dated the 27th May 2014 is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

D. S. RAJPUT,

Joint Secretary to Government.

INDUSTRIES, ENERGY AND LABOUR DEPARTMENT

Madam Cama Road, Hutatma Rajguru Chowk, Mantralaya,
Mumbai 400 032, dated the 27th May 2014

NOTIFICATION

MAHARASHTRA SHOPS AND ESTABLISHMENT ACT, 1948.

No. MSA.05/2014/CR-124/LAB-10.— In exercise of the powers conferred by the proviso to Section 4 of the Maharashtra Shops and Establishment Act, 1948 (Bom. LXXIX of 1948) hereinafter referred to as the said Act the Government of Maharashtra hereby amends Schedule II of the said Act as follows, namely :—

In Schedule II of the said Act, after entry “654” the following Entry shall be added, namely :—

- | | |
|--|--|
| <p>“ 655 M/s. Bestseller Retail India
 Pvt. Ltd., Plot No. 82/29,
 Linking Road, Santacruz (W.),
 Mumbai 400 054.</p> | <p>Sections 11, 14(1) and 33(3) subject to the following conditions:—</p> <ol style="list-style-type: none"> (1) This exemption shall remain in operation for the period of one day (24 Hours) on 31st May 2014 commencing from 24-00 hours of 30th May 2014 upto 24-00 hours of 31st May 2014. (2) Every employee shall be given a rest period of one hour after 5 hours of continuous work. For this, workers should be allotted work in shift. (3) The female employees shall be provided escorted transport facility from establishment to resident. (4) The employees shall be entitled to overtime wages in accordance with Section 63 of the said Act. (5) This exemption is limited to the employees who have given their consent. (6) This exemption is related only to Maharashtra Shops and Establishment Act, 1948. (7) In spite of these terms and conditions, all the provisions of this Act shall be applicable to the establishment duly. (8) In case of violation of any of the above terms and conditions, the exemption shall stand cancelled automatically.” |
|--|--|

By order and in the name of the Governor of Maharashtra,

A. M. BAWISKAR,
Section Officer.